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TREATY OF PEACE WITH GERMANY

REPORT OF THE CONFERENCE BETWEEN MEMBERS OF THE SENATE COMMITTEE ON FOREIGN RELATIONS AND THE PRESIDENT OF THE UNITED STATES

AT THE WHITE HOUSE

TUESDAY, AUGUST 19, 1919

PRESENTED BY MR. LODGE

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TUESDAY, AUGUST 19, 1919.

UNITED STATES SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, D. C.

CONFERENCE AT THE WHITE HOUSE.

The committee met at the White House at 10 o'clock a. m., pursuant to the invitation of the President, and proceeded to the East Room, where the conference was held.

Present: Hon. Woodrow Wilson, President of the United States, and the following members of the committee: Senators Lodge (chairman), McCumber, Borah, Brandegee, Fall, Knox, Harding, Johnson, of California, New, Moses, Hitchcock, Williams, Swanson, Pomerene, Smith, and Pittman.

STATEMENT OF THE PRESIDENT.

The PRESIDENT. Mr. Chairman, I have taken the liberty of writing out a little statement in the hope that it might facilitate discussion by speaking directly on some points that I know have been points of controversy and upon which I thought an expression of opinion would not be unwelcome. I am absolutely glad that the committee should have responded in this way to my intimation that I would like to be of service to it. I welcome the opportunity for a frank and full interchange of views.

I hope, too, that this conference will serve to expedite your consideration of the treaty of peace. I beg that you will pardon and indulge me if I again urge that practically the whole task of bringing the country back to normal conditions of life and industry waits upon the decision of the Senate with regard to the terms of the peace.

I venture thus again to urge my advice that the action of the Senate with regard to the treaty be taken at the earliest practicable moment because the problems with which we are face to face in the readjustment of our national life are of the most pressing and critical character, will require for their proper solution the most intimate and disinterested cooperation of all parties and all interests, and can not be postponed without manifest peril to our people and to all the national advantages we hold most dear. May I mention a few of the matters which can not be handled with intelligence until the country knows the character of the peace it is to have? I do so only by a very few samples.

The copper mines of Montana, Arizona, and Alaska, for example, are being kept open and in operation only at a great cost and loss, in part upon borrowed money; the zinc mines of Missouri, Tennessee, and Wisconsin are being operated at about one-half their capacity; the lead of Idaho, Illinois, and Missouri reaches only a portion of its former market; there is an immediate need for cotton belting, and also for lubricating oil, which can not be met—all because the channels of trade are barred by war when there is no war. The same is true of raw cotton, of which the Central Empires alone formerly purchased nearly 4,000,000 bales. And these are only examples. There is hardly a single raw material, a single important foodstuff, a single class of manufactured goods which is not in the same case. Our full, normal profitable production waits on peace.

Our military plans of course wait upon it. We can not intelligently or wisely decide how large a naval or military force we shall maintain or what our policy with regard to military training is to be until we have peace not only, but also until we know how peace is to be sustained, whether by the arms of single nations or by the concert of all the great peoples. And there is more than that difficulty involved. The vast surplus properties of the Army include not food and clothing merely, whose sale will affect normal production, but great manufacturing establishments also which should be restored to their former uses, great stores of machine tools, and all sorts of merchandise which must lie idle until peace and military policy are definitively determined. By the same token there can be no properly studied national budget until then.

The nations that ratify the treaty, such as Great Britain, Belgium, and France, will be in a position to lay their plans for controlling the markets of central Europe without competition from us if we do not presently act. We have no consular agents, no trade representatives there to look after our interests.

There are large areas of Europe whose future will lie uncertain and questionable until their people know the final settlements of peace and the forces which are to administer and sustain it. Without determinate markets our production can not proceed with intelligence or confidence. There can be no stabilization of wages because there can be no settled conditions of employment. There can be no easy or normal industrial credits because there can be no confident or permanent revival of business.

But I will not weary you with obvious examples. I will only venture to repeat that every element of normal life amongst us depends upon and awaits the ratification of the treaty of peace; and also that we can not afford to lose a single summer's day by not doing all that we can to mitigate the winter's suffering, which, unless we find means to prevent it, may prove disastrous to a large portion of the world, and may, at its worst, bring upon Europe conditions even more terrible than those wrought by the war itself.

Nothing, I am led to believe, stands in the way of the ratification of the treaty except certain doubts with regard to the meaning and implication of certain articles of the covenant of the league of nations; and I must frankly say that I am unable to understand why such doubts should be entertained. You will recall that when I had the pleasure of a conference with your committee and with the Committee of the House of Representatives on Foreign Affairs at the White House in March last the questions now most frequently asked about the league

of nations were all canvassed with a view to their immediate clarification. The covenant of the league was then in its first draft and subject to revision. It was pointed out that no express recognition was given to the Monroe doctrine; that it was not expressly provided that the league should have no authority to act or to express a judgment on matters of domestic policy; that the right to withdraw from the league was not expressly recognized; and that the constitutional right of the Congress to determine all questions of peace and war was not sufficiently safeguarded. On my return to Paris all these matters were taken up again by the commission on the league of nations and every suggestion of the United States was accepted.

The views of the United States with regard to the questions I have mentioned had, in fact, already been accepted by the commission and there was supposed to be nothing inconsistent with them in the draft of the covenant first adopted—the draft which was the subject of our discussion in March—but no objection was made to saying explicitly in the text what all had supposed to be implicit in it. There was absolutely no doubt as to the meaning of any one of the resulting provisions of the covenant in the minds of those who participated in drafting them, and I respectfully submit that there is nothing vague or doubtful in their wording.

The Monroe doctrine is expressly mentioned as an understanding which is in no way to be impaired or interfered with by anything contained in the covenant and the expression "regional understandings like the Monroe doctrine" was used, not because anyone of the conferees thought there was any comparable agreement anywhere else in existence or in contemplation, but only because it was thought best to avoid the appearance of dealing in such a document with the policy of a single nation. Absolutely nothing is concealed in the phrase.

With regard to domestic questions article 16 of the covenant expressly provides that, if in case of any dispute arising between members of the league the matter involved is claimed by one of the parties "and is found by the council to arise out of a matter which by international law is solely within the domestic jurisdiction of that party, the council shall so report, and shall make no recommendation as to its settlement." The United States was by no means the only Government interested in the explicit adoption of this provision, and there is no doubt in the mind of any authoritative student of international law that such matters as immigration, tariffs, and naturalization are incontestably domestic questions with which no international body could deal without express authority to do so. No enumeration of domestic questions was undertaken because to undertake it, even by sample, would have involved the danger of seeming to exclude those not mentioned.

The right of any sovereign State to withdraw had been taken for granted, but no objection was made to making it explicit. Indeed, so soon as the views expressed at the White House conference were laid before the commission it was at once conceded that it was best not to leave the answer to so important a question to inference. No proposal was made to set up any tribunal to pass judgment upon the question whether a withdrawing nation had in fact fulfilled "all its international obligations and all its obligations under the covenant."

It was recognized that that question must be left to be resolved by the conscience of the nation proposing to withdraw; and I must say that it did not seem to me worth while to propose that the article be made more explicit, because I knew that the United States would never itself propose to withdraw from the league if its conscience was not entirely clear as to the fulfillment of all its international obligations. It has never failed to fulfill them and never will.

Article 10 is in no respect of doubtful meaning when read in the light of the covenant as a whole. The council of the league can only "advise upon" the means by which the obligations of that great article are to be given effect to. Unless the United States is a party to the policy or action in question, her own affirmative vote in the council is necessary before any advice can be given, for a unanimous vote of the council is required. If she is a party, the trouble is hers anyhow. And the unanimous vote of the council is only advice in any case. Each Government is free to reject it if it pleases. Nothing could have been made more clear to the conference than the right of our Congress under our Constitution to exercise its independent judgment in all matters of peace and war. No attempt was made to question or limit that right. The United States will, indeed, undertake under article 10 to "respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league," and that engagement constitutes a very grave and solemn moral obligation. But it is a moral, not a legal, obligation, and leaves our Congress absolutely free to put its own interpretation upon it in all cases that call for action. It is binding in conscience only, not in law.

Article 10 seems to me to constitute the very backbone of the whole covenant. Without it the league would be hardly more than an influential debating society.

It has several times been suggested, in public debate and in private conference, that interpretations of the sense in which the United States accepts the engagements of the covenant should be embodied in the instrument of ratification. There can be no reasonable objection to such interpretations accompanying the act of ratification provided they do not form a part of the formal ratification itself. Most of the interpretations which have been suggested to me embody what seems to me the plain meaning of the instrument itself. But if such interpretations should constitute a part of the formal resolution of ratification, long delays would be the inevitable consequence, inasmuch as all the many governments concerned would have to accept, in effect, the language of the Senate as the language of the treaty before ratification would be complete. The assent of the German Assembly at Weimar would have to be obtained, among the rest, and I must frankly say that I could only with the greatest reluctance approach that assembly for permission to read the treaty as we understand it and as those who framed it quite certainly understood it. If the United States were to qualify the document in any way, moreover, I am confident from what I know of the many conferences and debates which accompanied the formulation of the treaty that our example would immediately be followed in many quarters, in some instances with very serious reservations, and that the meaning and operative force of the treaty would presently be clouded from one end of its clauses to the other.

Pardon me, Mr. Chairman, if I have been entirely unreserved and plain-spoken in speaking of the great matters we all have so much at heart. If excuse is needed, I trust that the critical situation of affairs may serve as my justification. The issues that manifestly hang upon the conclusions of the Senate with regard to peace and upon the time of its action are so grave and so clearly insusceptible of being thrust on one side or postponed that I have felt it necessary in the public interest to make this urgent plea, and to make it as simply and as unreservedly as possible.

I thought that the simplest way, Mr. Chairman, to cover the points that I knew to be points of interest?

The CHAIRMAN. Mr. President, so far as I am personally concerned—and I think I represent perhaps the majority of the committee in that respect—we have no thought of entering upon argument as to interpretations or points of that character; but the committee is very desirous of getting information on certain points which seem not clear and on which they thought information would be of value to them in the consideration of the treaty which they, I think I may say for myself and others, desire to hasten in every possible way.

Your reference to the necessity of action leads me to ask one question. If we have to restore peace to the world it is necessary, I assume, that there should be treaties with Austria, Hungary, Turkey, and Bulgaria. Those treaties are all more or less connected with the treaty with Germany. The question I should like to ask is, what the prospect is of our receiving those treaties for action?

The PRESIDENT. I think it is very good, sir, and, so far as I can judge from the contents of the dispatches from my colleagues on the other side of the water, the chief delay is due to the uncertainty as to what is going to happen to this treaty. This treaty is the model for the others. I saw enough of the others before I left Paris to know that they are being framed upon the same set of principles and that the treaty with Germany is the model. I think that is the chief element of delay, sir.

The CHAIRMAN. They are not regarded as essential to the consideration of this treaty?

The PRESIDENT. They are not regarded as such; no, sir; they follow this treaty.

The CHAIRMAN. I do not know about the other treaties, but the treaty with Poland, for example, has been completed?

The PRESIDENT. Yes, and signed; but it is dependent on this treaty. My thought was to submit it upon the action on this treaty.

The CHAIRMAN. I should like, if I may, to ask a question in regard to the plans submitted to the commission on the league of nations, if that is the right phrase.

The PRESIDENT. Yes, sir.

The CHAIRMAN. You were kind enough to send us the draft of the American plan. When we were here in February, if I understood you rightly—I may be incorrect but I understood you to say that there were other drafts or plans submitted by Great Britain, by France, and by Italy. Would it be possible for us to see those other tentative plans?

The PRESIDENT. I would have sent them to the committee with pleasure, Senator, if I had found that I had them. I took it for

granted that I had them, but the papers that remain in my hands remain there in a haphazard way. I can tell you the character of the other drafts. The British draft was the only one, as I remember, that was in the form of a definite constitution of a league. The French and Italian drafts were in the form of a series of propositions laying down general rules and assuming that the commission, or whatever body made the final formulation, would build upon those principles if they were adopted. They were principles quite consistent with the final action.

I remember saying to the committee when I was here in March—I have forgotten the expression I used—something to the effect that the British draft had constituted the basis. I thought afterwards that that was misleading, and I am very glad to tell the committee just what I meant.

Some months before the conference assembled, a plan for the league of nations had been drawn up by a British committee, at the head of which was Mr. Phillimore—I believe the Mr. Phillimore who was known as an authority on international law. A copy of that document was sent to me, and I built upon that a redraft. I will not now say whether I thought it was better or not an improvement; but I built on that a draft which was quite different, inasmuch as it put definiteness where there had been what seemed indefiniteness in the Phillimore suggestion. Then, between that time and the time of the formation of the commission on the league of nations, I had the advantage of seeing a paper by Gen. Smuts, of South Africa, who seemed to me to have done some very clear thinking, particularly with regard to what was to be done with the pieces of the dismembered empires. After I got to Paris, therefore, I rewrote the document to which I have alluded, and you may have noticed that it consists of a series of articles and then supplementary agreements. It was in the supplementary agreements that I embodied the additional ideas that had come to me not only from Gen. Smuts's paper but from other discussions. That is the full story of how the plan which I sent to the committee was built up.

The CHAIRMAN. Of course, it is obvious that the Gen. Smuts plan has been used. That appears on the face of the document.

The PRESIDENT. Yes.

The CHAIRMAN. Then there was a previous draft in addition to the one you have sent to us? You spoke of a redraft. The original draft was not submitted to the committee?

The PRESIDENT. No; that was privately, my own.

The CHAIRMAN. Was it before our commission?

The PRESIDENT. No: it was not before our commission.

The CHAIRMAN. The one that was sent to us was a redraft of that?

The PRESIDENT. Yes. I was reading some of the discussion before the committee, and some one, I think Senator Borah, if I remember correctly, quoted an early version of article 10.

Senator BORAH. That was Senator Johnson.

Senator JOHNSON of California. I took it from the Independent.

The PRESIDENT. I do not know how that was obtained, but that was part of the draft which preceded the draft which I sent to you.

Senator JOHNSON of California. It was first published by Mr. Hamilton Holt in the Independent; it was again subsequently published in the New Republic, and from one of those publications I read it when examining, I think, the Secretary of State.

The PRESIDENT. I read it with the greatest interest, because I had forgotten it, to tell the truth, but I recognized it as soon as I read it.

Senator JOHNSON of California. It was the original plan?

The PRESIDENT. It was the original form of article 10; yes.

The CHAIRMAN. I was about to ask in regard to article 10, as the essence of it appears in article 2 of the draft which you sent, whether that was in the British plan—the Smuts plan—or the other plans?

Of course if there are no drafts of these other plans, we can not get them.

The PRESIDENT. I am very sorry, Senator. I thought I had them, but I have not.

The CHAIRMAN. Mr. Lansing, the Secretary of State, testified before us the other day that he had prepared a set of resolutions covering the points in the league, which was submitted to the American commission. You saw that draft?

The PRESIDENT. Yes.

The CHAIRMAN. No specific action was taken upon it?

The PRESIDENT. Not in a formal way.

The CHAIRMAN. Mr. President, I have no prepared set of questions, but there are one or two that I wish to ask, and will go to an entirely different subject in my next question. I desire to ask purely for information. Is it intended that the United States shall receive any part of the reparation fund which is in the hands of the reparation commission?

The PRESIDENT. I left that question open, Senator, because I did not feel that I had any final right to decide it. Upon the basis that was set up in the reparation clauses the portion that the United States would receive would be very small at best, and my own judgment was frequently expressed, not as a decision but as a judgment, that we should claim nothing under those general clauses. I did that because I coveted the moral advantage that that would give us in the counsels of the world.

Senator MCCUMBER. Did that mean we would claim nothing for the sinking of the *Lusitania?*

The PRESIDENT. Oh, no. That did not cover questions of that sort at all.

The CHAIRMAN. I understood that prewar claims were not covered by that reparation clause.

The PRESIDENT. That is correct.

The CHAIRMAN. I asked that question because I desired to know whether under the reparation commission there was anything expected to come to us.

The PRESIDENT. As I say, that remains to be decided.

The CHAIRMAN. By the commission?

The PRESIDENT. By the commission.

The CHAIRMAN. Going now onto another question, as I understand the treaty the overseas possessions of Germany are all made over to the five principal allied and associated powers, who apparently, as far as the treaty goes, have power to make disposition of them, I suppose by way of mandate or otherwise. Among those overseas possessions are the Ladrone Islands, except Guam, the Carolines, and, I think, the Marshall Islands. Has there been any recommendation made by our naval authorities in regard to the importance of our having one island there, not for territorial purposes, but for naval purposes?

The PRESIDENT. There was a paper on that subject, Senator, which has been published. I only partially remember it. It was a paper laying out the general necessities of our naval policy in the Pacific, and the necessity of having some base for communication upon those islands was mentioned, just in what form I do not remember. But let me say this, there is a little island which I must admit I had not heard of before.

Senator WILLIAMS. The island of Yap?

The PRESIDENT. Yap. It is one of the bases and centers of cable and radio communication on the Pacific, and I made the point that the disposition, or rather the control, of that island should be reserved for the general conference which is to be held in regard to the ownership and operation of the cables. That subject is mentioned and disposed of in this treaty and that general cable conference is to be held.

The CHAIRMAN. I had understood, or I had heard the report, that our General Board of the Navy Department and our Chief of Operations, had recommended that we should have a footing there, primarily in order to secure cable communications.

The PRESIDENT. I think you are right, sir.

The CHAIRMAN. That we were likely to be cut off from cable communication—that is, that the cables were likely to pass entirely into other hands—unless we had some station there, and it seemed to me a matter of such importance that I asked the question.

I wish to ask this further question: There was a secret treaty between England and Japan in regard to Shantung; and in the correspondence with the British ambassador at Tokyo, when announcing the acquiescence of Great Britain in Japan's having the German rights in Shantung, the British ambassador added:

> It is, of course, understood that we are to have the islands south of the Equator and Japan to have the islands north of the Equator.

If it should seem necessary for the safety of communication for this country that we should have a cable station there, would that secret treaty interfere with it?

The PRESIDENT. I think not, sir, in view of the stipulation that I made with regard to the question of construction by this cable convention. That note of the British ambassador was a part of the diplomatic correspondence covering that subject.

The CHAIRMAN. That was what I understood.

Senator MOSES. Was the stipulation that that should be reserved for the consideration of the cable conference a formally signed protocol?

The PRESIDENT. No; it was not a formally signed protocol, but we had a prolonged and interesting discussion on the subject, and nobody has any doubt as to what was agreed upon.

The CHAIRMAN. I asked the question because it seemed to me a matter of great importance.

The PRESIDENT. Yes; it is.

The CHAIRMAN. As a matter of self-protection, it seemed on the face of it that the treaty would give the five principal allied and associated powers the authority to make such disposition as they saw fit of those islands, but I did not know whether the secret treaty would thwart that purpose. I have no further questions to ask, Mr. President.

Senator BORAH. Mr. President, if no one else desires to ask a question, I want, so far as I am individually concerned, to get a little clearer information with reference to the withdrawal clause in the league covenant. Who passes upon the question of the fullfilment of our international obligations, upon the question whether a nation has fulfilled its international obligations?

The PRESIDENT. Nobody.

Senator BORAH. Does the council have anything to say about it?

The PRESIDENT. Nothing whatever.

Senator BORAH. Then if a country should give notice of withdrawal it would be the sole judge of whether or not it had fulfilled its international obligations—its covenants—to the league?

The PRESIDENT. That is as I understand it. The only restraining influence would be the public opinion of the world.

Senator BORAH. Precisely; but if the United States should conceive that it had fulfilled its obligations, that question could not be referred to the council in any way, or the council could not be called into action.

The PRESIDENT. No.

Senator BORAH. Then, as I understand, when the notice is given, the right to withdraw is unconditional?

The PRESIDENT. Well, when the notice is given it is conditional on the faith of the conscience of the withdrawing nation at the close of the two-year period.

Senator BORAH. Precisely; but it is unconditional so far as the legal right or the moral right is concerned.

The PRESIDENT. That is my interpretation.

Senator BORAH. There is no moral obligation on the part of the United States to observe any suggestion made by the council?

The PRESIDENT. Oh, no.

Senator BORAH. With reference to withdrawing?

The PRESIDENT. There might be a moral obligation if that suggestion had weight, Senator, but there is no other obligation.

Senator BORAH. Any moral obligation which the United States would feel, would be one arising from its own sense of obligation?

The PRESIDENT. Oh, certainly.

Senator BORAH. And not by reason of any suggestion by the council?

The PRESIDENT. Certainly.

Senator BORAH. Then the idea which has prevailed in some quarters that the council would pass upon such obligation is an erroneous one, from your standpoint?

The PRESIDENT. Yes; entirely.

Senator BORAH. And as I understand, of course, you are expressing the view which was entertained by the commission which drew the league?

The PRESIDENT. I am confident that that was the view. That view was not formulated, you understand, but I am confident that that was the view.

Senator MCCUMBER. May I ask a question right here? Would there be any objection, then, to a reservation declaring that to be the understanding of the force of this section?

The PRESIDENT. Senator, as I indicated at the opening of our conference, this is my judgment about that: Only we can interpret a

moral obligation. The legal obligation can be enforced by such machinery as there is to enforce it. We are therefore at liberty to interpret the sense in which we undertake a moral obligation. What I feel very earnestly is that it would be a mistake to embody that interpretation in the resolution of ratification, because then it would be necessary for other governments to act upon it.

Senator McCumber. If they all recognized at the time that this was the understanding and the construction that should be given to that portion of the treaty, would it be necessary for them to act on it again?

The President. I think it would, Senator.

Senator McCumber. Could they not accept it merely by acquiescence?

The President. My experience as a lawyer was not very long; but that experience would teach me that the language of a contract is always part of the debatable matter, and I can testify that in our discussions in the commission on the league of nations we did not discuss ideas half as much as we discussed phraseologies.

Senator McCumber. But suppose, Mr. President, we should make a declaration of that kind, which would be in entire accord with your view of the understanding of all of the nations, and without further comment or action the nations should proceed to appoint their commissions, and to act under this treaty, would not that be a clear acquiescence in our construction?

The President. Oh, it might be, Senator, but we would not know for a good many months whether they were going to act in that sense or not. There would have to be either explicit acquiescence, or the elapsing of a long enough time for us to know whether they were implicitly acquiescing or not.

Senator McCumber. I should suppose that when the treaty was signed, under present world conditions, all nations would proceed to act immediately under it.

The President. In some matters; yes.

Senator Harding. Mr. President, assuming that your construction of the withdrawal clause is the understanding of the formulating commission, why is the language making the proviso for the fulfillment of covenants put into the article?

The President. Merely as an argument to the conscience of the nations. In other words, it is a notice served on them that their colleagues will expect that at the time they withdraw they will have fulfilled their obligations.

Senator Harding. The language hardly seems to make that implication, because it expressly says, "Provided it has fulfilled its obligations."

The President. Yes.

Senator Harding. If it were a matter for the nation itself to judge, that is rather a far-fetched provision, is it not?

The President. Well, you are illustrating my recent remark, Senator, that the phraseology is your difficulty, not the idea. The idea is undoubtedly what I have expressed.

Senator Pittman. Mr. President, Senator McCumber has drawn out that it is your impression that the allied and associated powers have the same opinion of the construction of these so-called indefinite articles that you have. Is that construction also known and held by Germany?

The PRESIDENT. I have no means of knowing.

Senator PITTMAN. Germany, then, has not expressed herself to the commission with regard to these mooted questions?

The PRESIDENT. No; we have no expression from Germany about the league, except the expression of her very strong desire to be admitted to it.

Senator PITTMAN. And is it your opinion that if the language of the treaty were changed in the resolution of ratification, the consent of Germany to the change would also be essential?

The PRESIDENT. Oh, undoubtedly.

The CHAIRMAN. Mr. President, in that connection—I did not mean to ask another question—I take it there is no question whatever, under international law and practice, that an amendment to the text of a treaty must be submitted to every signatory, and must receive either their assent or their dissent. I had supposed it had been the general diplomatic practice with regard to reservations—which apply only to the reserving power, and not to all the signatories, of course—that with regard to reservations it had been the general practice that silence was regarded as acceptance and acquiescence; that there was that distinction between a textual amendment, which changed the treaty for every signatory, and a reservation, which changed it only for the reserving power. In that I may be mistaken, however.

The PRESIDENT. There is some difference of opinion among the authorities, I am informed. I have not had time to look them up myself about that; but it is clear to me that in a treaty which involves so many signatories, a series of reservations—which would ensue, undoubtedly—would very much obscure our confident opinion as to how the treaty was going to work.

Senator WILLIAMS. Mr. President, suppose for example that we adopted a reservation, as the Senator from Massachusetts calls it, and that Germany did nothing about it at all, and afterwards contended that so far as that was concerned it was new matter, to which she was never a party: Could her position be justifiably disputed?

The PRESIDENT. No.

Senator BORAH. Mr. President, with reference to article 10—you will observe that I am more interested in the league than any other feature of this discussion—in listening to the reading of your statement I got the impression that your view was that the first obligation of article 10, to wit—

> The members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league—

was simply a moral obligation.

The PRESIDENT. Yes, sir; inasmuch as there is no sanction in the treaty.

Senator BORAH. But that would be a legal obligation so far as the United States was concerned if it should enter into it; would it not?

The PRESIDENT. I would not interpret it in that way, Senator, because there is involved the element of judgment as to whether the territorial integrity or existing political independence is invaded or impaired. In other words, it is an attitude of comradeship and protection among the members of the league, which in its very nature is moral and not legal.

Senator BORAH. If, however, the actual fact of invasion were beyond dispute, then the legal obligation, it seems to me, would immediately arise. I am simply throwing this out in order to get a full expression of views. The legal obligation would immediately arise if the fact of actual invasion were undisputed?

The PRESIDENT. The legal obligation to apply the automatic punishments of the covenant, undoubtedly; but not the legal obligation to go to arms and actually to make war. Not the legal obligation. There might be a very strong moral obligation.

Senator MCCUMBER. Just so that I may understand definitely what your view is on that subject, Mr. President, do I understand you to mean that while we have two different remedies, and possibly others, we would be the sole judge of the remedy we would apply, but the obligation would still rest upon us to apply some remedy to bring about the result?

The PRESIDENT. Yes. I can not quite accept the full wording that you used, sir. We would have complete freedom of choice as to the application of force.

Senator MCCUMBER. Would we not have the same freedom of choice as to whether we would apply a commercial boycott? Are they not both under the same language, so that we would be bound by them in the same way?

The PRESIDENT. Only in regard to certain articles. The breach of certain articles of the covenant does bring on what I have designated as an automatic boycott, and in that we would have no choice.

Senator KNOX. Mr. President, allow me to ask this question: Suppose that it is perfectly obvious and accepted that there is an external aggression against some power, and suppose it is perfectly obvious and accepted that it can not be repelled except by force of arms, would we be under any legal obligation to participate?

The PRESIDENT. No, sir; but we would be under an absolutely compelling moral obligation.

Senator KNOX. But no legal obligation?

The PRESIDENT. Not as I contemplate it.

Senator WILLIAMS. Mr. President, each nation, if I understand it, is, of course, left to judge the applicability of the principles stated to the facts in the case, whether there is or is not external aggression?

The PRESIDENT. Yes.

Senator WILLIAMS. And if any country should conclude that there was not external aggression, but that France or some other country had started the trouble indirectly, we would have the same right, if I understand it, that Italy had to declare that her alliance with Germany and Austria was purely defensive, and that she did not see anything defensive in it; so when you come to judgment of the facts, outside of the international law involved, each nation must determine, if I understand, whether or not there has been external aggression?

The PRESIDENT. I think you are right, sir. Senator [addressing Senator Knox], you were about to ask something?

Senator KNOX. I only wanted to tell you that I asked that question because I was a little confused by the language of your message transmitting the proposed Franco-American treaty to the Senate, in which you said, in substance, and, I think, practically in these terms, that this is only binding us to do immediately what we otherwise would have been bound to do under the league of nations?

The PRESIDENT. Yes.

Senator KNOX. Perhaps I am mistaken with respect to its having been in that message. I am sure I am mistaken; it was not in that message; it was in the message that Mr. Tumulty gave out——

The CHAIRMAN. May 10.

Senator KNOX. Yes.

The PRESIDENT. Yes.

Senator KNOX. That it was merely binding us to do immediately, without waiting for any other power, that which we would otherwise have been bound to do under the terms of the league of nations.

The PRESIDENT. I did not use the word "bound," but "morally bound." Let me say that you are repeating what I said to the other representatives. I said, "Of course, it is understood we would have to be convinced that it was an unprovoked movement of aggression," and they at once acquiesced in that.

Senator MCCUMBER. Mr. President, there are a number of Senators who sincerely believe that under the construction of article 10, taken in connection with other clauses and other articles in the treaty, the council can suggest what we should do, and of course, while they admit the council can only advise and suggest, that it is nevertheless our moral duty to immediately obey the council, without exercising our own judgment as to whether we shall go to war or otherwise. Now, the public, the American people, a great proportion of them, have that same conviction, which is contrary to your view. Do you not think, therefore, that it would be well to have a reservation inserted in our resolution that shall so construe that section as to make it clear, not only to the American people but to the world, that Congress may use its own judgment as to what it will do, and that its failure to follow the judgment of the council will not be considered a breach of the agreement?

The PRESIDENT. We differ, Senator, only as to the form of action. I think it would be a very serious practical mistake to put it in the resolution of ratification; but I do hope that we are at liberty, contemporaneously with our acceptance of the treaty, to interpret our moral obligation under that article.

Senator PITTMAN. Mr. President, I understand that, under the former method, in your opinion, it would have to go back to Germany and the other countries; while under the latter method it would not be required to go back for ratification.

The PRESIDENT. Yes, sir; that is my judgment.

Senator KNOX. Mr. President, is it not true that such matters are ordinarily covered by a mere exchange of notes between powers, stating that they understand in this or that sense, or do not so understand?

The PRESIDENT. Yes, sir; ordinarily.

Senator KNOX. That would be a matter that would require very little time to consummate it, if these constructions have already been placed upon it in their conversations with you.

The PRESIDENT. But an exchange of notes is quite a different matter from having it embodied in the resolution of ratification.

Senator KNOX. If we embody in our resolution of ratification a statement that we understand section 10 or section 16 or section something else in a particular sense, and this Government, through its foreign department, transmits the proposed form of ratification to the chancellors of the other nations that are concerned in this

treaty, and if those interpretations are the same as you have agreed upon with them in your conversations, I do not see how we would need anything more than a mere reply to that effect.

The PRESIDENT. It would need confirmation.

Senator KNOX. Yes; it would need confirmation in that sense.

The PRESIDENT. My judgment is that the embodying of that in the terms of the resolution of ratification would be acquiescence not only in the interpretation but in the very phraseology of the interpretation, because it would form a part of the contract.

Senator KNOX. It might with us, because we have so much machinery for dealing with treaties, but in other countries where it is much more simple I should think it would not be.

The PRESIDENT. It is simple legally, Senator; but, for example, this treaty has been submitted to legislatures to which the Government was not, by law, obliged to submit it, and it is everywhere being treated as a legislative matter—I mean, so far as the ratification is concerned.

Senator KNOX. You mean in countries where, under their constitutions, there are provisions that treaties ordinarily are not submitted to the legislative branch of the Government, this treaty is being so submitted?

The PRESIDENT. So I understand.

Senator KNOX. Where there are two branches of the legislative department, an upper and a lower branch, do you know whether it is being submitted to both?

The PRESIDENT. I think not, sir. I am not certain about that; but my memory is it is not.

Senator FALL. Mr. President, the idea has struck me and I have entertained the view, since reading the treaty and the league, that Germany having signed the treaty but not being yet a member of the league, any reservations which we might make here would be met by Germany either joining the league or refusing to join the league. It would not be submitted to her at all now, because she is not a member of the league? You catch the point?

The PRESIDENT. Yes. I differ with you there, Senator. One of the reasons for putting the league in the treaty was that Germany was not going to be admitted to the league immediately, and we felt that it was very necessary that we should get her acknowledgment—acceptance—of the league as an international authority, partly because we were excluding her, so that she would thereafter have no ground for questioning such authority as the league might exercise under its covenant.

Senator FALL. Precisely.

The PRESIDENT. Therefore, I think it would be necessary for her to acquiesce in a league the powers of which were differently construed.

Senator FALL. Precisely; but her acquiescence would be by her accepting the invitation, when extended, either to join the league or not to join the league. In other words, upon ratification by three of the powers, a status of peace is established, and as to those three powers and Germany all the rules and regulations contained in the treaty of peace become operative. As to the other nations which have not ratified, the status of peace exists; that is, war has terminated. Now, that being the case, and Germany being out of the league—not having been invited to join the league—if in ratifying the

treaty we ratify it with certain explanations or reservations, even in the ratifying resolution, when the time comes and Germany is invited to become a member of the league, or when she applies, under the admission clause of the league, for membership therein, if she enters she of course accepts our reservations. If she makes a qualified application, then it is for the league itself to consider whether she will be admitted?

The PRESIDENT. I do not follow your reasoning in the matter, Senator, because this is not merely a question of either membership or nonmembership. The covenant is a part of the treaty, it is a part of the treaty which she has signed, and we are not at liberty to change any part of that treaty without the acquiescence of the other contracting party.

Senator FALL. Well, Mr. President, of course it is not my purpose to enter into an argument, but we are here for information. There are provisions for the amendment of the articles. Germany is out of the league. Any amendment proposed by the other members of the league prior to her coming into the league would not be submitted to her, would it, she not being a member?

The PRESIDENT. I will admit that that point had not occurred to me. No, she would not.

Senator FALL. Then so far as we are concerned we could make a recommendation in the nature of an amendment.

Senator PITTMAN. She has already agreed by this treaty that she has signed that the members may amend it.

The PRESIDENT. Yes.

Senator FALL. Precisely, and we could come in with an amendment.

Senator HITCHCOCK. Did I understand your first reply to Senator Fall to be that Germany under this treaty already had a relationship to the league by reason of its international character, and its participation in a number of questions that Germany was interested in?

The PRESIDENT. Yes.

Senator HITCHCOCK. So that it has a relationship to the league of nations even before the time that it may apply for membership.

The PRESIDENT. Yes.

Senator MCCUMBER. Mr. President, you answered one question that I think possibly may need a little elucidation. If I remember rightly, in reference to reparation your statement was that the commission would have to decide whether the United States should claim her proportion of the reparation.

The PRESIDENT. That the commission would have to do it? No; we decide whether we claim it or not.

Senator MCCUMBER. That is what I want to make clear. I think the question was asked if the commission was to decide that, and I thought your answer said yes. That is the reason I asked the question.

The PRESIDENT. The claim would have to come from us, of course.

Senator MCCUMBER. It would have to be through an act of Congress, would it not?

The PRESIDENT. I would have to be instructed about that, Senator. I do not know.

Senator McCUMBER. Whatever right the United States would receive under the treaty for reparation or indemnity is one that runs to the United States, and therefore to divest ourselves of that right would require an act of Congress.

The PRESIDENT. To divest ourselves of it? I suppose so.

Senator KNOX. In the question of the Japanese indemnity, that was done by a joint resolution.

Senator McCUMBER. I thought the President said it would have to be decided by the constituted authority.

Senator KNOX. I did not understand that he said that.

Senator SWANSON. I understand that the reparation is to be decided upon a representation made by the associated powers. It would seem that the President under that agreement with France, Great Britain, and other nations would have to submit it to the Senate for ratification, and the agreement would have to be reported.

Senator McCUMBER. In each case it would have the force of law.

Senator SWANSON. If the Senate wanted to ratify it, it would take an act of Congress.

Senator WILLIAMS. This question of reparation does not in any way affect our rights to prewar indemnities?

The PRESIDENT. That is expressly stated.

Senator WILLIAMS. That is expressly stated. Now, then, one other question. Germany has signed this treaty with the covenant of the league in it, and she is subject to be dealt with as a nonmember under the treaty, and has very much fewer privileges than a member?

The PRESIDENT. Yes.

Senator NEW. Mr. President, may I ask a question there? What effort was made by the delegates there to prevent the proceedings of the reparations committee being required to be secret?

The PRESIDENT. I beg your pardon, Senator.

Senator NEW. What effort, if any, was made by the American delegates to prevent the proceedings of the reparation commission from being required to be secret, and did the American delegates protest that America be omitted from this commission on account of that thing?

The PRESIDENT. Nothing was said about it, that I remember.

Senator BORAH. Mr. President, coming back for a moment to the subject from which we were diverted a moment ago, and coupling with article 10 article 11, in order that we may have the construction of the cammittee which framed the league as to both of those articles, as I understand it from your statement, the committee's view was that the obligations under articles 10 and 11, whatever they are, are moral obligations.

The PRESIDENT. Remind me of the eleventh. I do not remember that by number.

Senator BORAH (reading):

> Any war or threat of war, whether immediately affecting any of the members of the league or not, is hereby declared a matter of concern to the whole league, and the league shall take any action that may be deemed wise and effectual to safeguard the peace of nations.

What I am particularly anxious to know is whether or not the construction which was placed upon these two articles by the committee which framed the league was that it was a binding obligation from a legal standpoint, or merely a moral obligation.

The PRESIDENT. Senator, I tried to answer with regard to article 10.

Senator BORAH. Yes; exactly.

The PRESIDENT. I would apply it equally with regard to article 11, though I ought to hasten to say that we did not formulate these interpretations. I can only speak from my confident impression from the debates that accompanied the formulation of the covenant.

Senator BORAH. Yes; I understand; and your construction of article 11 is the same as that of article 10?

The PRESIDENT. Yes.

Senator BORAH. As to the question of legal obligation. That is all I desire to ask at present.

Senator HARDING. Right there, Mr. President, if there is nothing more than a moral obligation on the part of any member of the league, what avail articles 10 and 11?

The PRESIDENT. Why, Senator, it is surprising that that question should be asked. If we undertake an obligation we are bound in the most solemn way to carry it out.

Senator HARDING. If you believe there is nothing more to this than a moral obligation, any nation will assume a moral obligation on its own account. Is it a moral obligation? The point I am trying to get at is, Suppose something arises affecting the peace of the world, and the council takes steps as provided here to conserve or preserve, and announces its decision, and every nation in the league takes advantage of the construction that you place upon these articles and says, "Well, this is only a moral obligation, and we assume that the nation involved does not deserve our participation or protection," and the whole thing amounts to nothing but an expression of the league council.

The PRESIDENT. There is a national good conscience in such a matter. I should think that was one of the most serious things that could possibly happen. When I speak of a legal obligation, I mean one that specifically binds you to do a particular thing under certain sanctions. That is a legal obligation. Now a moral obligation is of course superior to a legal obligation, and, if I may say so, has a greater binding force; only there always remains in the moral obligation the right to exercise one's judgment as to whether it is indeed incumbent upon one in those circumstances to do that thing. In every moral obligation there is an element of judgment. In a legal obligation there is no element of judgment.

Senator JOHNSON of California. But, Mr. President, when a moral obligation is undoubted it will impel action more readily than a legal obligation.

The PRESIDENT. If it is undoubted, yes; but that involves the circumstances of the particular case, Senator.

Senator JOHNSON of California. Yes; necessarily.

Senator HARDING. In answering Senator Knox a moment ago you spoke of a compelling moral obligation. Would you think that any less binding than a specific legal obligation?

The PRESIDENT. Not less binding, but operative in a different way because of the element of judgment.

Senator HARDING. But not less likely to involve us in armed participation?

The PRESIDENT. In trifling matters, very much less likely.

Senator HARDING. To clear my slow mind, let me take a specific case. Suppose the allotted territory which comes under the control of Italy should in some way be assailed from the Balkan States and the council of the league should immediately look upon that as a threat of war involving other nations and should say that the nations of the league should immediately contribute an armed force to stop that war or to bring the attacking nation to terms, would we be a perfidious people, if I may use that term, or would we violate our obligations, if we failed to participate in the defense of Italy?

The PRESIDENT. We would be our own judges as to whether we were obliged in those circumstances to act in that way or not.

Senator HITCHCOCK. In such a case the council would only act unanimously, and our representative on the council of course would have to concur in any advice given.

The PRESIDENT. Certainly; we would always in such case advise ourselves.

Senator WILLIAMS. But if in such case, Mr. President, we concluded that the case provided for and prescribed had arisen and that the extraneous attack existed and that it fell within the terms of the treaty, then we would be untrue if we did not keep our word?

The PRESIDENT. Certainly.

Senator BORAH. In other words, then, that transfers the power to decide whether we should act from the Congress of the United States to one individual who sits on the council.

Senator WILLIAMS. No, it does not; it merely provides that when the council acts in accordance with the prescribed terms and we see that it has acted, then Congress will, as a matter of faith keeping, act itself; and, if Congress does not, Congress will do a dishonorable thing.

Senator BORAH. Precisely so; so that the matter gets back to the point where one individual has bound Congress.

Senator HITCHCOCK. I hope my question to the President will not be interpreted in that way. My question to the President was whether the matter would even come before this country as the advice of the council until the American representative had concurred with the other eight members of the council. After he had concurred it would then be up to Congress to decide.

The PRESIDENT. You are quite right, Senator. And let me suggest that I find nothing was more clearly in the consciousness of the men who were discussing these very important matters than that most of the nations concerned had popular governments. They were all the time aware of the fact that it would depend upon the approving or disapproving state of opinion of their countries how their representatives in the council would vote in matters of this sort; and it is inconceivable to me that, unless the opinion of the United States, the moral and practical judgment of the people of the United States, approved, the representative of the United States on the council should vote any such advice as would lead us into war.

Senator BORAH. Mr. President, does the special alliance treaty with France which has been submitted to us rest upon any other basis as to legal and moral obligation than that of article 10 and article 11 which you have just described?

The PRESIDENT. No, sir.

Senator BORAH. That is also, as you understand it, simply our moral obligations which we enter into with France?

The PRESIDENT. Yes.

Senator WILLIAMS. All international obligations are moral ones.

Senator PITTMAN. There is one thing I do not understand about Senator Borah's question. He has stated that he gathers from what you said that it all rests with our representative on the council. Even if our representative on the council advises as a member of the council, and the council is unanimous, is it not then still up to Congress either to accept or reject that advice?

The PRESIDENT. Oh, yes; but I understood the Senator to mean that it would be dependent on our representative.

Senator JOHNSON of California. May I take the example that was just suggested concerning the Balkan States and a possible attack upon the new territories of Italy. Assuming that that is a case of external aggression by the Balkan States concerning the new territory that Italy has acquired by the peace treaty, upon us rests a compelling moral obligation to do our part in preventing that, does there not?

The PRESIDENT. Yes.

Senator JOHNSON of California. And that compelling moral obligation would require us to use such means as would seem appropriate, either economic or force? Is not that correct?

The PRESIDENT. Deemed appropriate by whom? That is really the point.

Senator JOHNSON of California. Of course, deemed appropriate for the purpose of preventing and frustrating the aggression.

The PRESIDENT. Deemed by us appropriate?

Senator JOHNSON of California. I assume of necessity it would have to be deemed by us to bind us as a compelling moral obligation to prevent the aggression in the case named.

The PRESIDENT. Yes.

Senator MCCUMBER. Mr. President, I think, due to my own fault, I do not fully comprehend your distinction between a moral and a legal obligation in a treaty. If we enter into a treaty with France to defend her against aggression from Germany for any length of time, that is a legal obligation, is it not?

The PRESIDENT. Legal in the sense that a treaty is of binding force; yes.

Senator MCCUMBER. Yes; that is what I meant. It is as legal as any treaty could be made legal, and there is also a moral obligation to keep that treaty, is there not?

The PRESIDENT. Yes, sir. I happened to hear Senator Knox say what I am glad to adopt. It is a legal obligation with a moral sanction.

Senator BORAH. That is true generally, is it not?

The PRESIDENT. Yes, Senator; but I have already defined in what special sense I use the word "legal."

Senator MCCUMBER. To my mind those two articles are legal obligations to be carried out by the moral conscience of the American people if the conditions justify it.

The PRESIDENT. You see we are speaking of two different fields, and therefore the language does not fit. In international law the word "legal" does not mean the same as in national law, and the word hardly applies.

Senator BORAH. I wish to ask some questions in regard to the secret treaties. I do not feel as free about those matters as I do about the league, because there are certain things that I recognize may not be entirely open for public consideration; but, nevertheless, in so far as we can, I should like to know when the first knowledge came to this Government with reference to the secret treaties between Japan, Great Britain, Italy, and France concerning the German possessions in Shantung.

The PRESIDENT. I thought that Secretary Lansing had looked that up and told you. I can only reply from my own knowledge, and my own knowledge came after I reached Paris.

Senator BORAH. We did get a reply from Mr. Lansing to the same effect so far as he was concerned. When did the secret treaties between Great Britain, France, and the other nations of Europe with reference to certain adjustments in Europe first come to your knowledge? Was that after you had reached Paris also?

The PRESIDENT. Yes; the whole series of understandings were disclosed to me for the first time then.

Senator BORAH. Then we had no knowledge of these secret treaties, so far as our Government was concerned, until you reached Paris?

The PRESIDENT. Not unless there was information at the State Department of which I knew nothing.

Senator BORAH. Do you know when the secret treaties between Japan, Great Britain, and other countries were first made known to China?

The PRESIDENT. No, sir; I do not. I remember a meeting of what was popularly called the council of ten, after our reaching Paris, in which it was first suggested that all these understandings should be laid upon the table of the conference. That was some time after we reached there, and I do not know whether that was China's first knowledge of these matters or not.

Senator BORAH. Would it be proper for me to ask if Great Britain and France insisted upon maintaining these secret treaties at the peace conference as they were made?

The PRESIDENT. I think it is proper for me to answer that question, sir. I will put it in this way: They felt that they could not recede from them, that is to say, that they were bound by them, but when they involved general interests such as they realized were involved, they were quite willing, and indeed I think desirous, that they should be reconsidered with the consent of the other parties. I mean with the consent, so far as they were concerned, of the other parties.

Senator MOSES. Were all those treaties then produced, Mr. President?

The PRESIDENT. Oh, yes.

Senator MOSES. Did that include the secret arrangement with reference to Avlona?

The PRESIDENT. I do not recall that agreement, Senator. You mean with regard to Italy having Avlona?

Senator MOSES. Yes.

The PRESIDENT. If it did, I did not see it. I heard of it, but I can not say confidently that the terms were laid before us.

Senator MOSES. I recall in some statements you made in connection with Fiume that you referred to Italy receiving Avlona under some agreement previously arrived at, and in that statement you held that

to be part compensation at least for any loss she might sustain in not having Fiume.

The PRESIDENT. I was referring to what I understood to be the agreement. I am simply now answering your question that I did not see that agreement in written terms.

Senator MOSES. Then, they were not produced in textual form?

The PRESIDENT. I do not know; they may have been and I may not have picked them up in the great mass of papers before me.

Senator MOSES. The purpose of my inquiry was to ascertain whether there was laid before the council of ten any textual agreements which transferred parts of the territory of one independent nation to another.

The PRESIDENT. Only those that have been spoken of.

Senator MOSES. That is to say, Shantung and Avlona?

The PRESIDENT. I say only those that we have had under general discussion. I can not enumerate them, but there are none that have not been produced so far as I know. That answers the question.

Senator MCCUMBER. The secret treaties to which you refer are those treaties which were made from time to time as the exigencies of the war required during the period of the war?

The PRESIDENT. Yes.

Senator MCCUMBER. And not treaties that were made prior to the war?

The PRESIDENT. Yes.

Senator WILLIAMS. Mr. President, I wish to ask you a question in order to see if the facts are clear in my own mind. As I understand the situation—and I should like to have you correct me if I am wrong—France and Great Britain both have stated that they were bound by certain treaties with Japan and they were perfectly willing, with Japan's consent, to reconsider those treaties, but that they were themselves bound if the other party to the treaty did not consent to reconsider. Is that about it?

The PRESIDENT. Yes.

Senator WILLIAMS. That is what I thought. Bound in honor is the only way a nation is bound in international affairs.

Senator SWANSON. Can you tell us, or would it be proper to do so, of your understanding with Japan as to the return of Shantung? That is a question which has been very much discussed.

The PRESIDENT. I have published the wording of the understanding, Senator. I can not be confident that I quote it literally, but I know that I quote it in substance. It was that Japan should return to China in full sovereignty the old Province of Shantung so far as Germany had had any claims upon it, preserving to herself the right to establish a residential district at Tsingtao, which is the town of Kiaochow Bay; that with regard to the railways and mines she should retain only the rights of an economic concession there, with the right, however, to maintain a special body of police on the railway, the personnel of which should be Chinese under Japanese instructors nominated by the managers of the company and appointed by the Chinese Government. I think that is the whole of it.

Senator POMERENE. That is, that the instructors should be confirmed by the Chinese Government?

The PRESIDENT. No; not exactly that. The language, as I remember it, was that they should be nominated by the managers of the railway company, and appointed by the Chinese Government.

Senator BORAH. Was that understanding oral?

Senator WILLIAMS. This rather curious question presents itself to my mind: As I understand, Japan has retained sovereignty for the 99 years of the lease only at Kiaochow, and 5 kilometers, or some such distance, back from the bay.

The PRESIDENT. She has not retained sovereignty over anything.

Senator WILLIAMS. She has not?

The PRESIDENT. I mean, she has promised not to.

Senator WILLIAMS. During the period of the lease?

The PRESIDENT. No; she has promised not to retain sovereignty at all. Senator Borah asked whether this understanding was oral or otherwise. I do not like to describe the operation exactly if it is not perfectly discreet, but as a matter of fact this was technically oral, but literally written and formulated, and the formulation agreed upon.

Senator JOHNSON of California. When, Mr. President, is the return to be made?

The PRESIDENT. That was left undecided, Senator, but we were assured at the time that it would be as soon as possible.

Senator JOHNSON of California. Did not the Japanese decline to fix any date?

The PRESIDENT. They did at that time, yes; but I think it is fair to them to say not in the spirit of those who wished it be within their choice, but simply that they could not at that time say when it would be.

Senator JOHNSON of California. The economic privileges that they would retain would give them a fair mastery over the province, would they not, or at least the Chinese think so? Let me put it in that fashion, please.

The PRESIDENT. I believe they do, Senator. I do not feel qualified to judge. I should say that that was an exaggerated view.

Senator JOHNSON of California. But the Chinese feel that way about it, and have so expressed themselves?

The PRESIDENT. They have so expressed themselves.

Senator KNOX. Mr. President, the economic privileges that they originally acquired in Korea, and subsequently in inner and outer Mongolia, and in northern and southern Manchuria, have almost developed into a complete sovereignty over those countries, have they not?

The PRESIDENT. Yes, Senator; in the absence of a league of nations they have.

Senator KNOX. You think the league of nations would have prevented that, do you?

The PRESIDENT. I am confident it would.

Senator NEW. Mr. President, does not this indefinite promise of Japan's suggest the somewhat analogous case of England's occupation of Malta? She has occupied Malta for something like a century, I believe, under a very similar promise.

The PRESIDENT. Well, Senator, I hope you will pardon me if I do not answer that question.

Senator FALL. Mr. President, speaking of the duty of defense in reference to sovereignty, and of aggression with reference to sovereignty, in construing these different articles of the league, I have been curious to know who will defend the mandate territories or colonies if there should be external aggression.

The PRESIDENT. Primarily, the mandatory power.

Senator FALL. The mandatory power would have that character of sovereignty over the possession which would compel it as a duty to defend the mandate province?

The PRESIDENT. Yes.

Senator FALL. Then a qualified sovereignty would in that instance, at any rate, compel the mandatory of the league first to defend the colony?

The PRESIDENT. I should put it this way, Senator: We had in mind throughout the whole discussion of the mandate idea the analogy of trustees. The States taking those under mandates would be in the nature of trustees, and of course it is part of the trustee's duty to preserve intact the trust estate.

Senator FALL. But out of the funds of the trust estate?

The PRESIDENT. Oh, yes.

Senator FALL. Mr. President, I will not pursue that line at this time. I will say very frankly that I have prepared some questions which I wanted, for my own purposes, to put down in writing, and I had expected to ask them in sequence of you after the other Senators had concluded. It will, however, evidently take quite a long while if we pursue the line which we are now pursuing, and particularly if the Senators themselves argue their own interpretations of the different clauses in the treaty.

Senator MCCUMBER. Mr. President, I should like to get as definite an understanding as I can, at least, of how these promises of Japan to return Shantung are evidenced to-day. In what form do they appear?

The PRESIDENT. They are evidenced in a procès-verbal of the so-called council of four—the name that we ourselves used was very much more pretentious; we called ourselves the council of the principal allied and associated powers—but the four who used to confer, or rather the five, because Japan was there of course at that time.

Senator MCCUMBER. The principal points were taken down in writing and read over and compared and preserved, were they?

The PRESIDENT. Not read over and compared, but preserved. The process each day was this, Senator: The matters discussed were summarized, and the conclusions reached were recorded in a procès-verbal, copies of which were distributed within 24 hours; and of course it was open to any one of the conferees to correct anything they might contain. Only in that sense were they corrected.

Senator MCCUMBER. Where are those records kept now?

The PRESIDENT. They are in Paris, sir.

Senator MCCUMBER. Is there any objection to their being produced for the committee?

The PRESIDENT. I think there is a very serious objection, Senator. The reason we constituted that very small conference was so that we could speak with the utmost absence of restraint, and I think it would be a mistake to make use of those discussions outside. I do not remember any blazing indiscretion of my own, but there may be some.

Senator MCCUMBER. In those conversations it was fully understood that Japan was to return Shantung as soon as possible?

The PRESIDENT. Yes, sir.

Senator McCUMBER. Was there anything stated as to what was meant by "as soon as possible"—that is, to place it within any definite period at all?

The PRESIDENT. No, sir; no. We relied on Japan's good faith in fulfilling that promise.

Senator McCUMBER. Was there anything outside? If I go too far in my questions you can signify it, Mr. President.

The PRESIDENT. How do you mean outside, Senator?

Senator McCUMBER. Was there anything said by Japan as to anything that she would want to do before she turned the territory over to China?

The PRESIDENT. No; nothing was mentioned.

Senator McCUMBER. Then "as soon as possible" would naturally mean, would it not, as soon as the treaty has been signed under which she accepts the transfer from Germany?

The PRESIDENT. Well, I should say that it would mean that the process should begin then. Of course there would be many practical considerations of which I know nothing that might prolong the process.

Senator McCUMBER. And all that Japan reserves is the same that other great nations have reserved—certain concessions?

The PRESIDENT. A residential concession and economic concessions; yes, sir.

Senator McCUMBER. The same as Great Britain and France and other countries have retained there?

The PRESIDENT. Yes; and I ought to say that the representatives of Japan showed every evidence of wishing to put the matter upon just the same basis that the dealings of other nations with China have rested upon for some time.

Senator McCUMBER. The whole purpose of my question, Mr. President, is to satisfy my mind, if I can, that Japan will in good faith carry out her agreement.

The PRESIDENT. I have every confidence that she will, sir.

Senator POMERENE. Mr. President, if I may, I should like to ask a question or two along that same line. If this treaty should fail of ratification, then would not the opportunity be open to Japan to treat the Shantung question just as she has treated the Manchurian situation?

The PRESIDENT. I think so; yes.

Senator POMERENE. So that if the treaty should fail of ratification, China, so far as Shantung is concerned, would be practically at the mercy of Japan; whereas if the treaty is ratified, then at least she will have the benefit of the moral assistance of all the other signatory powers to the treaty to aid in the protection of Chinese rights?

The PRESIDENT. Senator, I conceive one of the chief benefits of the whole arrangement that centers in the league of nations to be just what you have indicated—that it brings to bear the opinion of the world and the controlling action of the world on all relationships of that hazardous sort, particularly those relationships which involve the rights of the weaker nations. After all, the wars that are likely to come are most likely to come by aggression against the weaker nations. Without the league of nations they have no buttress or protection. With it, they have the united protection of the world;

and inasmuch as it is the universal opinion that the great tragedy through which we have just passed never would have occurred if the Central Powers had dreamed that a number of nations would be combined against them, so I have the utmost confidence that this notice beforehand that the strong nations of the world will in every case be united will make war extremely unlikely.

Senator MOSES. Mr. President, are these procès verbaux to be deposited anywhere as a matter of public record?

The PRESIDENT. That had not been decided, Senator. Of course, if they were deposited as a matter of public record, there would be certain very great disadvantages.

Senator MOSES. Are they to be deposited with the secretariat of the league of nations?

The PRESIDENT. No, sir.

Senator MOSES. Without some such depository, how otherwise would this engagement of Japan, as embodied in the procès verbal, be brought forward for enforcement?

The PRESIDENT. There would be as many copies of the procès verbal as there were members of the conference in existence much longer than the time within which we shall learn whether Japan will fulfill her obligations or not.

Senator MOSES. You mean in the private papers of the personnel of the council of four?

The PRESIDENT. I would not call them private papers. I have a copy, Senator. I regard them as a public trust, not private papers, and I can assure you that they will not be destroyed.

Senator MOSES. Suppose that each member of the council of four had passed out of office, out of any position of power, at a time when it became evident that Japan was not keeping the engagement as it was embodied in the procès-verbal on the day when this record was made, in what manner would you expect that engagement to be brought forward for enforcement?

The PRESIDENT. I should deem it my duty—I can not speak for the others—to leave those papers where they could be made accessible.

Senator POMERENE. Mr. President, I have another question or two on the Shantung proposition that I should like to ask, if I may.

Assuming for the sake of the argument that there were to be some undue delay on the part of Japan in turning back to China her rights in Shantung, and that China were to make complaint to the council provided for in the league of nations, have you any doubt but that it would be taken up promptly by all the members of that council for their consideration and determination?

The PRESIDENT. No, sir; I have not any doubt of it.

Senator POMERENE. Another question: On yesterday Dr. Millard was before the committee, and he made the statement that there were twenty regional understandings similar to the Monroe doctrine. I desire to say, however, that in answer to a question——

The PRESIDENT. Did he name any of them?

Senator POMERENE. I asked him some questions afterwards, and in explanation he qualified that statement by saying that these were written agreements somewhat akin to the Lansing-Ishii agreement, so-called, and as to these with relation to China a part of them were as between Japan and China, and a part as between Great Britain and China; and he instanced the secret agreement with Japan respect-

ing Shantung. What I desired to ask was this: Did any information come to the commission indicating that there were any regional understandings similar to the Monroe doctrine?

The PRESIDENT. None, whatever. The only agreements that I can imagine he was referring to are contained in the exchanges of notes which occurred between the Japanese and Chinese Governments in 1915 and 1918 with regard to the method and conditions of the return of Shantung Province to China.

Senator HITCHCOCK. Mr. President, I think it should be said also that later on in his testimony, either in answer to a question by Senator Pomerene, or perhaps in response to a question by Senator Swanson, while the witness, Dr. Millard, stated that he deemed them regional understandings—those that he had in mind—he said very emphatically that they were totally unlike the Monroe doctrine, and would not come under that category.

The PRESIDENT. And in his sense every treaty that concerns territory anywhere affects a region, and is a regional understanding; but that is a very broad and vague meaning to attach to the word.

Senator JOHNSON of California. Mr. President, I am quite hesitant about asking certain questions which I wish to ask. I apologize in advance for asking them, and I trust you will stop me at once if they are questions which you deem inappropriate, or that ought not to be asked.

The PRESIDENT. Thank you.

Senator JOHNSON of California. First, we have pending now treaties of peace with Austria, with Hungary, with Bulgaria, and with the Ottoman Empire, all of which involve tremendous new territorial adjustments; and under those new territorial adjustments we will have our obligations, moral or otherwise, under the league of nations, of course. The new territorial adjustments about to be determined upon in these various treaties are really greater in extent, or quite as important, at least, as those that are provided for by the German treaty; are they not?

The PRESIDENT. I should say so; yes.

Senator JOHNSON of California. They will deal not only with the creation of the boundaries of new nations, but possibly with the subject of mandatories, too?

The PRESIDENT. Well, the treaties will not themselves deal with the mandatories. That is a matter that will be decided by the league.

Senator JOHNSON of California. Oh, yes.

The PRESIDENT. But the treaties will no doubt create certain territories which fall under the trusteeship which will lead to mandatories.

Senator JOHNSON of California. So that there is a very important—in fact, the most important—part of the territorial world settlement yet to be made?

The PRESIDENT. Well, in extent, yes, Senator; so far as the amount of territory covered is concerned, yes.

Senator JOHNSON of California. Not only in extent, but in their character, and in the numbers of peoples involved, too, Mr. President. Is not that accurate?

The PRESIDENT. Well, you may be right, Senator; I do not know.

Senator JOHNSON of California. I think you answered to Senator Borah the question I am about to ask, so pardon me if it is repetitive.

It is this: Was the United States Government officially informed, at any time between the rupture of diplomatic relations with Germany and the signing of the armistice, of agreements made by the allied Governments in regard to the settlement of the war?

The PRESIDENT. No; not so far as I know.

Senator JOHNSON of California. So far as you are aware, was it unofficially informed during that period?

The PRESIDENT. I would be more clear in my answer, Senator, if I knew just what you were referring to.

Senator JOHNSON of California. I am referring to the so-called secret treaties which disposed of territory among the belligerents.

The PRESIDENT. You mean like the treaty of London?

Senator JOHNSON of California. Yes; like the London pact.

The PRESIDENT. No; no, sir.

Senator JOHNSON of California. Could you state whether or not any official investigation was made by our Government to ascertain whether or not there were any such treaties of territorial disposition?

The PRESIDENT. There was no such investigation.

Senator JOHNSON of California. These specific treaties, then—the treaty of London, on the basis of which Italy entered the war; the agreement with Roumania, in August, 1916; the various agreements in respect to Asia Minor, and the agreements consummated in the winter of 1917 between France and Russia relative to the frontiers of Germany, and particularly in relation to the Saar Valley and the left bank of the Rhine—none of these did we (and when I say "we" I mean you, Mr. President) have any knowledge of prior to the conference at Paris?

The PRESIDENT. No, sir. I can confidently answer that "No," in regard to myself.

Senator MCCUMBER. Senator Johnson, may I ask the President right here whether or not after we entered into the war any treaties were made between any of our cobelligerents that were not given to us.

The PRESIDENT. No, sir; I do not know of any.

Senator MCCUMBER. Then the secret treaties that you have reference to were made prior to the time we entered into the war?

The PRESIDENT. Yes, sir.

Senator MCCUMBER. After that, our cobelligerents withheld nothing from us; did they?

The PRESIDENT. They entered into no agreements.

Senator BORAH. Well, you asked, Senator, if they withheld anything from us. They withheld all that they had had previously?

The PRESIDENT. No, no; but he means, Did they withhold any agreement that they made after we entered the war?

Senator MCCUMBER. That is just what I meant.

Senator JOHNSON of California. We do not know of any engagements which have been made subsequent to our entering into the war?

The PRESIDENT. No, sir.

Senator JOHNSON of California. Those that I have referred to—and I say this, Senator, so that you will have no error in respect to it—I referred wholly, I think, to the treaties that were prior to our entry into the war.

The PRESIDENT. Yes.

Senator JOHNSON of California. Were you familiar, Mr. President, please, with any agreements that were made by the allied Governments with the Czecho-Slovak National Council, the Polish National Council, and the Jugo-Slav National Committee?

The PRESIDENT. I was aware of arrangements similar to those that we had ourselves made recognizing those national committees as provisional representatives of the people.

Senator JOHNSON of California. But merely as recognizing governments, and that these committees represented the peoples of the various countries?

The PRESIDENT. Yes; and the recognition was purely informal. It was not an international recognition, but an agreement to deal with them as representatives.

Senator JOHNSON of California. When our Government through you, Mr. President, in January, 1918, made the 14 points as the basis for peace, were those points made with the knowledge of the existence of the secret agreements?

The PRESIDENT. No; oh, no.

Senator JOHNSON of California. It was not intended, then, by the expression of these 14 points, to supplant the aims contained in the secret treaties?

The PRESIDENT. Since I knew nothing of them, necessarily not.

Senator JOHNSON of California. Yes; quite so. Do you know, Mr. President, or is it permissible for us to be told, whether France has special military agreements with Poland and Czecho-Slovakia?

The PRESIDENT. I know of none, sir.

Senator JOHNSON of California. Did China enter the war upon our advice—the advice of the United States?

The PRESIDENT. I can not tell, sir. We advised her to enter, and she soon after did. She had sought our advice. Whether that was the persuasive advice or not, I do not know.

Senator JOHNSON of California. Do you recall, Mr. President, that preceding that advice we had asked China, as one of the neutral nations, to sever diplomatic relations with Germany?

The PRESIDENT. Whether we had asked her?

Senator JOHNSON of California. Yes, sir.

The PRESIDENT. I do not recall, Senator. I am sure Mr. Lansing can tell, though, from the records of the department.

Senator JOHNSON of California. Do you know, Mr. President, whether or not our Government stated to China that if China would enter the war we would protect her interests at the peace conference?

The PRESIDENT. We made no promises.

Senator JOHNSON of California. No representations of that sort?

The PRESIDENT. No. She knew that we would as well as we could. She had every reason to know that.

Senator JOHNSON of California. Pardon me a further question: You did make the attempt to do it, too; did you not?

The PRESIDENT. Oh, indeed I did; very seriously.

Senator JOHNSON of California. And the decision ultimately reached at the peace conference was a disappointment to you?

The PRESIDENT. Yes, sir; I may frankly say that it was.

Senator JOHNSON of California. You would have preferred, as I think most of us would, that there had been a different conclusion of the Shantung provision, or the Shantung difficulty or controversy, at the Paris peace conference?

The PRESIDENT. Yes; I frankly intimated that.

Senator JOHNSON of California. Did it require the unanimous consent of the members of the peace conference to reach a decision like the Shantung decision?

The PRESIDENT. Every decision; yes, sir.

Senator JOHNSON of California. Do you recall, Mr. President, prior to the decision on the territorial question of Shantung, or of German rights in Shantung, the racial equality question coming before the peace conference?

The PRESIDENT. I remember that at one of the sessions called plenary sessions a resolution regarding that matter was introduced by the Japanese representatives, but rather as an expression of opinion or hope, and it was not pressed for action.

Senator JOHNSON of California. Mr. President, the press at that time stated that it had gone to a vote—and I trust some one will correct me if I am in error—and that the vote was 11 to 6 upon the proposition. The dispatches at that time were to that effect.

The PRESIDENT. I was misled, Senator. You are referring to the commission on a league of nations?

Senator JOHNSON of California. Yes.

The PRESIDENT. There was a vote there. There never was a vote on any subject in the peace conference.

Senator JOHNSON of California. I confounded the two.

The PRESIDENT. Yes.

Senator JOHNSON of California. May I ask, if permissible, how the representatives of the United States voted upon that particular proposition?

The PRESIDENT. Senator, I think it is very natural you should ask that. I am not sure that I am at liberty to answer, because that touches the intimacy of a great many controversies that occurred in that conference, and I think it is best, in the interest of international good understanding, that I should not answer.

Senator JOHNSON of California. Do you know, Mr. President, whether or not the American Commission at Paris urged that a definite sum of reparation be fixed in the treaty?

The PRESIDENT. It did.

Senator JOHNSON of California. Will you state, if appropriate, why that view did not prevail?

The PRESIDENT. No, Senator, I can not; and yet I dislike to decline, because it may create a misapprehension on your part. Let me see if I can explain it, without indiscretion: I would be very glad, gentlemen, to tell you all about it, if you will leave it out of the notes. May I do that?—because I do not wish to leave any wrong impression on your minds. The explanation is perfectly simple.

Senator BRANDEGEE. What is the question, please?

The PRESIDENT. The question is, Why was the policy urged by the United States, that we fix a definite sum of reparation in the treaty, not adopted?

Senator BORAH. I would be content to have it left out of the notes upon your request; but I am afraid it would still get to the public, and that would put us in an embarrassing position.

The PRESIDENT. It is not an explanation discreditable to anybody, but it is an international secret. I am quite at liberty to say that the

United States financial representatives—who, by the way, made an admirable impression upon everybody over there—did advocate the fixing of a definite sum for reparation.

Senator FALL. Mr. President, may I ask, to clear up a difficulty in my own mind, whether you regard the answering of these questions as an indiscretion because of the fact that there are other negotiations pending which might be affected?

The PRESIDENT. Oh, no, sir; simply because they affect the internal political affairs of other countries.

Senator FALL. Then, in your judgment, these matters should never be given publicity?

The PRESIDENT. Matters of this sort.

Senator FALL. I say, matters of this sort that have been referred to, should, in your judgment, never be given publicity; and it is not because of pending or other negotiations?

The PRESIDENT. Oh, no; I think they should not be given publicity.

Senator JOHNSON of California. I thank you very much, Mr. President. That is all I desire to ask.

The PRESIDENT. You have been very considerate in putting your questions.

Senator FALL. Mr. President, as I suggested, I have prepared several written questions, for the purpose of concentrating my own ideas, and several of them, I may say, are somewhat in sequence, and I feel that if we are going to hold hearings all day—that is, if we are all going to have the time and do not get into arguments among ourselves—possibly it might be just to you to submit these questions, as I have prepared them, to you first, and allow you to look them over before I pursue the line of inquiry. However, that is, of course, entirely with you. They do not all refer directly to provisions of the treaty nor to the construction of the treaty, but to other matters relating to the treaty.

Senator JOHNSON of California. Before you do that, Senator, with the President's permission may I ask one or two more questions concerning Shantung which I omitted or forgot?

The PRESIDENT. Certainly, Senator.

Senator JOHNSON of California. First, did Japan decline to sign the award as made or provided in the peace treaty?

The PRESIDENT. Her representatives informed us, Senator, that they were instructed not to sign in that event.

Senator JOHNSON of California. Was the determination finally reached a balancing of the difficulties or the disadvantages that might arise because of the balancing of those advantages or disadvantages?

The PRESIDENT. I do not know that I could answer that either "yes" or "no," Senator. It was a matter of many conversations and of many arguments and persuasions.

Senator JOHNSON of California. Was the decision reached—if you will pardon the perfectly blunt question—because Japan declined to sign unless that decision was reached in that way?

The PRESIDENT. No; I do not think it would be true to say "yes" to that question. It was reached because we thought it was the best that could be got, in view of the definite engagements of Great Britain and France, and the necessity of a unanimous decision, which we held to be necessary in every case we have decided.

Senator JOHNSON of California. Great Britain and France adhered to their original engagements, did they not?

The PRESIDENT. They said that they did not feel at liberty to disregard them.

Senator JOHNSON of California. And you, Mr. President, were the one who was endeavoring to determine—I gather this from the news dispatches—the question upon its merits and its justice.

The PRESIDENT. Our Government was the only Government free under the circumstances; yes.

Senator JOHNSON of California. Yes, sir. Do you mind stating, or would you prefer not, what it was that caused you ultimately to accede to the decision that was demanded by Japan?

The PRESIDENT. Only the conclusion that I thought that it was the best that could be got under the circumstances.

Senator BRANDEGEE. May I interpolate there without disturbing you, Senator Johnson?

Senator JOHNSON of California. Yes, sir.

Senator BRANDEGEE. In Part 6 of the hearings before our committee, on page 182, Senator Johnson of California questioned Secretary Lansing. [Reading:]

Senator JOHNSON of California. Was the Shantung decision made in order to have the Japanese signatures to the league of nations?

Secretary LANSING. That I can not say.

Senator JOHNSON of California. In your opinion was it?

Secretary LANSING. I would not want to say that, because I really have not the facts on which to form an opinion along that line.

Senator JOHNSON of California. Would the Japanese signatures to the league of nations have been obtained if you had not made the Shantung agreement?

Secretary LANSING. I think so.

Senator JOHNSON of California. You do?

Secretary LANSING. I think so.

Senator JOHNSON of California. So that even though Shantung had not been delivered to Japan, the league of nations would not have been injured?

Secretary LANSING. I do not think so.

Senator JOHNSON of California. And you would have had the same signatories that you have now?

Secretary LANSING. Yes; one more, China.

Senator JOHNSON of California. One more, China. So that the result of the Shantung decision was simply to lose China's signature rather than to gain Japan's?

Secretary LANSING. That is my personal view, but I may be wrong about it.

Senator JOHNSON of California. Why did you yield on a question on which you thought you ought not to yield and that you thought was a principle?

Secretary LANSING. Because naturally we were subject to the direction of the President of the United States.

Senator JOHNSON of California. And it was solely because you felt that you were subject to the decision of the President of the United States that you yielded?

Secretary LANSING. Yes.

Senator JOHNSON of California. The decision is his?

Secretary LANSING. Necessarily.

Now, I wondered whether Secretary Lansing was well informed about this question or not?

The PRESIDENT. Well, my conclusion is different from his, sir.

Senator BRANDEGEE. You could not have got the signature of Japan if you had not given Shantung to Japan?

The PRESIDENT. That is my judgment.

Senator BRANDEGEE. You say you were notified to that effect?

The PRESIDENT. Yes, sir.

Senator SWANSON. As I understand, you were notified that they had instructions not to sign unless this was included.

The PRESIDENT. Yes.

Senator BORAH. And was it your judgment that after the treaty had been ratified, China's rights would be protected and Japan would surrender to China what she said she would?

The PRESIDENT. Yes.

Senator SWANSON. As I understand it, you consider this verbal agreement effective as relating to Shantung and you understood that this conveyance would be followed by a conveyance to China.

The PRESIDENT. Not to supersede it, but the action by Japan is to follow.

Senator JOHNSON of California. I beg your pardon, what was your question?

Senator SWANSON. The conveyance or retransfer of the German possessions in Shantung is to be followed by Japan's conveyance of this back to China, according to this agreement. One is as effective as the other.

Senator JOHNSON of California. Yes; but, Mr. President, you would have much preferred to have a different disposition, notwithstanding the promise of Japan in the treaty, would you not?

The PRESIDENT. Yes, sir.

Senator Fall, would this be a practical suggestion? I have no objection to sitting here all day. Indeed, I have taken the liberty of having lunch prepared, if the gentlemen of the committee would be kind enough to join me. But since your questions are written, perhaps you might leave them with me and let me give such answers as I feel I can.

Senator FALL. Precisely, Mr. President. I can say to you, sir, that I prepared the questions with some care for the purpose of informing myself, and I think that it might not be entirely fair to you to answer offhand a series of questions, when I have the theory in mind along which I am propounding the questions—that is, one may lead to another—and I think it would be only fair to you that you might have the questions so you can read them and follow it.

The PRESIDENT. Will you state the theory at the top [laughter]?

Senator FALL. There are two or three theories. The first question that I would like to ask is, "In your judgment have you not the authority by proclamation to declare in words that peace exists, and thus restore the status of peace between the Government and the people of this country and those with whom we declared war?" If you choose, I will read the following question.

The PRESIDENT. That sets the key to them, I suppose.

Senator FALL. To several of them. Then there are others along other lines, one of which leads to another.

The PRESIDENT. I would be happy to answer them as far as I can.

Senator FALL. That can be done later or now, just as you please.

Senator WILLIAMS. Suppose we take a recess.

The CHAIRMAN. I do not know whether there are any more questions.

The PRESIDENT. I had thought that I would send you in the replies.

Senator FALL. That would certainly be satisfactory to me. You would have no objection to the same publicity that is being given now?

The PRESIDENT. No.

Senator FALL. There are two or three different lines of questions.

Senator MCCUMBER. You would probably get more clear information if you take that method.

Senator FALL. I think so. They are not in any sense, Mr. President, prepared as catch questions, otherwise I would not submit them to you. If you were on the stand, and I were cross-examining you as a witness, I would prefer not to let you see the whole series of questions. But I think that is fair, and so far as I am concerned if it is satisfactory to you it would be more satisfactory to me.

Senator BRANDEGEE. In reply to Senator Lodge's inquiry I jotted down a few questions at random with the idea of asking some if they had not been touched upon by other members of the committee. I have some that I would like to ask, but I want to conform to the convenience of the President and the committee as to when it shall be done. I do not mean to delay you on your luncheon hour or anything of that kind.

The PRESIDENT. The luncheon hour is 1 o'clock, and I was in hopes that you gentlemen would remain for lunch.

Senator BRANDEGEE. I do not want to absorb the remaining time if other Senators want to go on now. I am perfectly willing to wait until they are finished.

Senator HARDING. I would like to hear your questions.

Senator BRANDEGEE. I am not sure what questions I will ask except I made some notes.

Senator WILLIAMS. I would rather come back to-morrow morning at half past 10.

Senator HITCHCOCK. We have an engagement to-morrow morning for the committee.

The CHAIRMAN. I think we must have some consideration for the President's time.

Senator HARDING. I just want to reserve one question.

Senator BRANDEGEE. Do you not want to ask it now?

The CHAIRMAN. We have until 1 o'clock.

Senator BRANDEGEE. I have here the President's statement which he read to us when we met here this morning, and in it he states:

> Nothing, I am led to believe, stands in the way of the ratification of the treaty except certain doubts with regard to the meaning and implication of certain articles of the covenant of the league of nations; and I must frankly say that I am unable to understand why such doubts should be entertained.

Now, I do not believe the President is correctly informed as to the situation if he believes that. There are things in the treaty itself which militate against the ratification, in my opinion, of the treaty without amendment. Did you have in mind, Mr. President, when you read that to us, the Shantung provision of the treaty?

The PRESIDENT. I certainly had that in mind, Senator, but I did not understand that that stood in the way of ratification. I am, of course, acting only upon such information as I have received.

Senator BRANDEGEE. I understand—and that is the reason of taking the liberty of suggesting to you that you may not be well informed in this respect. Of course there is opposition by a great many Senators to the entire covenant of the league of nations, which

I have no doubt you know, that is, article 1 of the treaty of Versailles. Then there is opposition to the various parts of the covenants of the league and not to the whole league, by other Senators. Then there is a great opposition, fundamental and sincere, to the Shantung provision, which is in the body of the treaty itself, and which can only be cured by an amendment. As I understand it, no reservation that we could make in the resolution of ratification would be effective to strike out the Shantung provision. It must be cured, if it is cured, by a straight out-and-out amendment, striking that from the treaty. That, of course, would necessitate the resubmission of the treaty to the signatories who have already signed it.

Now, you state later on that every suggestion of the United States was accepted, that is after you went back, after you had your conference with us last March, and having obtained our views as to the necessity for certain changes in the first draft of the covenant, you state [reading]:

> The view of the United States with regard to the questions I have mentioned had, in fact, already been accepted by the commission and there was supposed to be nothing inconsistent with them in the draft of the covenant first adopted.

And omitting a few lines which do not apply to that you say [reading]:

> There was absolutely no doubt as to the meaning of any one of the resulting provisions of the covenant in the minds of those who participated in drafting them, and I respectfully submit that there is nothing vague or doubtful in their wording.

Of course that is your opinion, if I may say so.

The PRESIDENT. Yes, sir.

Senator BRANDEGEE. But you are familiar with the statements, I have no doubt, that ex-Senator Root, Justice Hughes, Mr. Taft, and other able lawyers of the country have made with respect to the necessity for reservations if we are to ratify the treaty, are you not?

The PRESIDENT. Yes, sir.

Senator BRANDEGEE. That is, you admit that there are grave doubts among the ablest lawyers of the country as to the necessity for reservations or the alternative between reservations and ratifying the whole treaty, as it is expressed in the vernacular, without the dotting of an "i" or the crossing of a "t."

The PRESIDENT. I admit that there are those difficulties in a great many minds.

Senator BRANDEGEE. Now, of course, it is true, is it not, that if difficulties arise as to the construction of any provision of the treaty after we have passed from the scene, what we thought the provisions of the treaty or of the covenant meant, will not be very powerful in the construction that may be placed upon it by those who then have to determine what it means, will it?

The PRESIDENT. The vote of the United States will be essential.

Senator BRANDEGEE. I do not mean that. The fact that you think now that everything in the treaty is plain and that there is no doubt about the meaning of any provisions, and the fact that I think there is grave doubt about many of the provisions, will not seriously affect the opinion of the council or of the arbitrator that finally passes upon the true meaning of the treaty when dispute arises.

The PRESIDENT. No, Senator; but the plain wording of the treaty will have a great deal to do, and the meaning of the wording is plain.

Senator BRANDEGEE. That is simply another way of stating, is it not, that you are clear in your opinion that the provisions of the treaty are plain? But I am suggesting that there will be a dispute between nations as to what the treaty means after we have passed from the scene.

The PRESIDENT. No, sir; it is a question of being confident of what language means, not confident of an opinion.

Senator BRANDEGEE. I mean, we derive our opinions as to the meanings of the treaty from the language of the treaty, do we not?

The PRESIDENT. Yes.

Senator BRANDEGEE. Now they would derive their construction of what the treaty means from the language of it, we not being there?

The PRESIDENT. Yes.

Senator BRANDEGEE. So that what we think about it now will not be determinative in an international court or before an arbitrator 20 years hence in case of a dispute between two nations as to the meaning of the treaty?

The PRESIDENT. Certainly not, but the language will.

Senator BRANDEGEE. Of course they will have the language before them, but the language which determines it is now in dispute between you and certain lawyers of the country and certain Senators as to its meaning. Now what provision is there in the treaty for the determination of a dispute as to the interpretation of a clause of the treaty if such dispute arises?

The PRESIDENT. The covenant states that there are certain questions which are acknowledged as being especially suitable for submission to arbitration. One of those is the meaning of the treaty.

Senator BRANDEGEE. What does the treaty provide about that?

The PRESIDENT. You have it there, sir.

Senator BRANDEGEE. Yes, sir; I wondered if you remembered it.

The PRESIDENT. I think I do so, but you have the language.

Senator BRANDEGEE. Yes. Article 12 of the league provides [reading]:

> The members of the league agree that if there should arise between them any dispute likely to lead to a rupture, they will submit the matter either to arbitration or to inquiry by the council, and they agree in no case to resort to war until three months after the award by the arbitrators or the report by the council.

That is, if there is a dispute, as I construe this, between members of the league as to the meaning of the covenant or any article thereof, it shall be referred to the arbitrators.

The PRESIDENT. Only if the parties agree.

Senator BRANDEGEE. Or to the council?

The PRESIDENT. Or to the council; yes.

Senator BRANDEGEE. That is, the council is to determine the meaning of the covenant?

The PRESIDENT. No, Senator; I beg your pardon. There are two processes. If the parties agree to submit to arbitration, of course it is submitted to arbitration, and the decision is final. If they think it is a question that they are not willing to submit to arbitration, then they must submit it to the council for an expression of opinion and a recommendation, but that opinion and recommendation do not bind.

Senator BRANDEGEE. Is there any possible way authoritatively of determining without war what the treaty means?

The PRESIDENT. That is true of every treaty, Senator. If you re-express it in the language of the Senators to whom you refer and there is a dispute about the meaning of that, the same would apply. You can not use any language, I assume, which could not possibly give rise to some sort of dispute.

Senator BRANDEGEE. I assume that if it provided that if there should arise between the members of the league any dispute in relation to the construction of any article of the covenant of the league of nations, such dispute should be referred to an arbitrator, and the members would agree to be bound by its decision; that would be an agreement for an authoritative determination of what the treaty meant.

The PRESIDENT. Yes.

Senator BRANDEGEE. Now, as it is they will submit the matter either to arbitration or to inquiry by the council, and so forth. Now, you say that the opinion of the council to which the dispute has been submitted is only advisory?

The PRESIDENT. Yes, sir.

Senator BRANDEGEE. Then suppose one party to the dispute against whom the council decides declines to abide by it?

The PRESIDENT. Then there is war, but not within three months of the opinion of the council.

Senator BRANDEGEE. Under article 10 the members of the league undertake to respect and preserve as against external aggression the territorial integrity and existing political independence of all members of the league. That is a contract between the signatories. We say: "We undertake to preserve the territorial integrity of the members against external aggression," which means that we contract to do it, does it not?

The PRESIDENT. We engage to do it.

Senator BRANDEGEE. It means an international contract, does it not, a compact, an agreement?

The PRESIDENT. Yes.

Senator BRANDEGEE. Whether that is a moral or legal obligation, it is an obligation?

The PRESIDENT. Yes.

Senator BRANDEGEE. Of course, it is a moral duty to keep a promise, and this is an international promise; so that the distinction between a moral obligation and a legal one seems to me to be not of great importance, because we are obligated in any event.

The PRESIDENT. Pardon me; I think it is of the greatest importance, because the element of judgment enters into it as it does not in the other.

Senator BRANDEGEE. You mean the judgment as to whether or not it is a moral obligation?

The PRESIDENT. No. For example, a question is submitted to arbitration and it is agreed that the decision shall be final. The judgment of one of the parties to the controversy may be that the decision is a very bad one, but it has to accept it; the element of judgment is excluded altogether; but, with regard to the method of fulfilling the obligations of a covenant like that under consideration

there is freedom of judgment on the part of the individual members of the league. It seems to me that makes a very considerable difference.

Senator HARDING. Will the Senator permit me to interrupt right there?

Senator BRANDEGEE. I will.

Senator HARDING. I dislike to interrupt the Senator.

Senator BRANDEGEE. I yield to the Senator.

Senator HARDING. The President expressed a while ago surprise that I raised a question as to the value of this compact because of the moral obligation feature. Let me premise by the statement that I look upon a moral obligation as that which the conscience of the contracting party impels. The conscience of any nation in Europe, for example, may be warped by its prejudices, racial, geographical, and otherwise. If that be true and any nation may put aside or exercise its judgment as to the moral obligation in accepting any recommendation of the league, really what do we get out of this international compact in the enforcement of any decree?

The PRESIDENT. We get the centering upon it generally of the definite opinion of the world, expressed through the authoritative organs of the responsible governments.

Senator HARDING. Another question: That is surrendering the suggestion of a moral obligation for this Republic to the prejudices or necessities of the nations of the Old World, is it not?

The PRESIDENT. I do not understand that we make such a surrender.

Senator HARDING. Would you not understand a decree by the council to be a suggestion of this moral obligation?

The PRESIDENT. Certainly I would, but we would have to concur in that before it had any force of any kind.

Senator HARDING. Would it not be quite as moral for this Republic itself to determine its moral obligations?

The PRESIDENT. Undoubtedly, Senator; but in the meantime the world would not have the knowledge before it that there will be concerted action by all the responsible governments of the world in the protection of the peace of the world. The minute you do away with that assurance to the world you have reached the situation which produced the German war.

Senator HARDING. What becomes of our standing among nations if the council fixes a moral obligation upon us and we reject the judgment of the council as to the moral obligation?

The PRESIDENT. Pardon me if I remind you that we always have to concur in that.

Senator HARDING. Precisely; but the council state what constitutes the moral obligation, if we agree; but if we do not agree, then, in the eyes of the world we have rejected its judgment as to a moral obligation.

The PRESIDENT. Certainly; and I hold that we are at liberty to do that, if our moral judgment honestly differs from the moral judgment of the world.

Senator HARDING. Then, let us go back to the original inquiry. What permanent value is there, then, to this compact?

The PRESIDENT. The greatest permanent value, Senator, is the point that I have raised. We are assuming that the United States will not concur in the general moral judgment of the world. In my

opinion, she generally will. If it had been known that this war was coming on, her moral judgment would have concurred with that of the other Governments of the world, with that of the other peoples of the world; and if Germany had known that there was a possibility of that sort of concurrence, she never would have dared to do what she did. Without such notice served on the powers that may wish to repeat the folly that Germany commenced, there is no assurance to the world that there will be peace even for a generation, whereas if they know beforehand that there will be that concert of judgment, there is the most tremendous guaranty.

Senator HARDING. But, Mr. President, nobody expressed for us our moral obligation to enter into this war. That was our own expression, was it not?

The PRESIDENT. Certainly; it was our concurrence in the judgment of the world.

Senator HARDING. One of the points I am getting at, if I can make it clear, is the necessity of a written compact for this Republic to fulfill its moral obligations to civilization.

The PRESIDENT. Senator, this Republic, if I interpret it rightly, does not need a suggestion from any quarter to fulfill its moral obligations.

Senator HARDING. I quite agree with that.

The PRESIDENT. But it steadies the whole world by its promise beforehand that it will stand with other nations of similar judgment to maintain right in the world.

Senator FALL. Mr. President, then if the commissioner of the United States on the council were to join with the other members of the council in fixing a moral obligation upon the United States, and the Congress and the President, acting as part of the legislative branch of the Government, were to reject that judgment, would it not have a very disastrous effect upon the league, throw the world into chaos, and undo all that has been done?

The PRESIDENT. It might; but you are assuming a case——

Senator FALL. Certainly; we have to assume cases.

The PRESIDENT. Where we would have to assume that responsibility, because, being part of the Government, we would in every case really express the judgment of the American people, and if the unhappy time should ever come when that judgment is against the judgment of the rest of the world we would have to express it.

Senator FALL. Certainly. Mr. President, I am possibly looking, as Bacon said, at a distance.

Senator MCCUMBER. Would our moral conviction of the unrighteousness of the German war have brought us into this war if Germany had not committed any acts against us, without the league of nations, as, of course, we had no league of nations at that time?

The PRESIDENT. I hope it would eventually, Senator, as things developed.

Senator MCCUMBER. Do you think if Germany had committed no act of war or no act of injustice against our citizens that we would have gotten into this war?

The PRESIDENT. I do think so.

Senator MCCUMBER. You think we would have gotten in anyway?

The PRESIDENT. I do.

Senator BRANDEGEE. If I may be allowed to resume, for I kept still all morning——

Senator FALL. If the Senator will pardon me a moment, I am going to ask the President to excuse me, as I have an engagement.

The PRESIDENT. I am sorry, Senator, that you are obliged to leave.

Senator FALL. I regret, sir, that I have an engagement with my wife, who is not in very good health.

Senator BRANDEGEE. Now, if I may proceed without interruption, which breaks the continuity of my thought and uses a great deal of time, I will be through in a very few minutes. As I understand the President, his construction of article 10 is that if the council considers the question of external aggression upon a member of the league, we, having signed this treaty with article 10 in it, in which we undertake to preserve against external aggression the territorial integrity of all members of the league, can then say, it is a moral question into which the element of judgment enters and we, considering our judgment binding at the time, do not care to agree to the recommendation of the council. If every member of the league is at liberty to take that view of its moral and legal obligations under article 10, and declines to do what the council recommends, and if it is known in advance that that is the construction placed upon article 10 by those who framed it, it does not seem to me—and this is merely my opinion—that the terror to wrongdoers by what is hoped to be the united, concerted action of the members of the league in the concentration of its powers to suppress the wrongdoer will have the effect that the President thinks it will. In other words, I do not think that Germany would have refrained from war if she had known that article 10 was in existence.

Article 10 says:

> In case of any such aggression, or in case of any threat or danger of such aggression, the council shall advise upon the means by which this obligation shall be fulfilled.

There is no doubt that that is an obligation in a contract, and I know of but one way to perform an obligation that you have contracted to perform, and that is to perform it. I do not think that it admits of any qualifications after you sign the treaty. I want to call attention also to the fact that the external aggression which we undertake, if we sign this treaty, to repel or guarantee against is not stated in the treaty at all to be an unwarranted aggression. I wish to ask the President, if the league were in existence and Hungary and Roumania were members of it, and Roumania were in the position she now is, having raided the territorial integrity of Hungary and marched through its capital and occupied it, and the council, as its duty would be under the covenant, considered what was best to be done and advised us to send immediately to cooperate with them 100,000 men, whether we would be at liberty to discuss whether we were morally bound by article 10 of the covenant and decline to send the men, and, if we were, could we do it without risking being called an "international slacker" by the other members of the league?

The PRESIDENT. Senator, since you have made the case a concrete one I am afraid I ought not to answer it, because it involves a judgment as between Roumania and Hungary.

Senator BRANDEGEE. I withdraw the names of the two countries, and assume the circumstances.

The PRESIDENT. Let me say that I take it for granted that in practically every case the United States would respond; but that does not seem to be the question. I quite agree with you that a moral

obligation is to be fulfilled, and I am confident that our Nation will fulfill it, but that does not remove from each individual case the element of judgment which we are free to exercise in two stages: We are, first, free to exercise it in the vote of our representative on the council, who will of course act under instructions from the home Government; and, in the second place, we are to exercise it when the President, acting upon the action of the council, makes his recommendation to Congress. Then, Congress is to exercise its judgment as to whether or not the instructions of the Executive to our member of the council were well founded, and whether the case is one of distinct moral obligation.

Senator BRANDEGEE. Suppose that each member of the council, as you say, acting under instructions from its home Government, including our representative on the council, should think, for instance, that Roumania was entirely right in some invasion of Hungary, and public sentiment was that way, but that our Government instructed our representative to vote with the foreign members of the council to support Hungary—suppose the public sentiment of the other members and of the people of this country were in favor of Roumania, what sort of a position would we be in to fulfill our guaranty?

The PRESIDENT. In order to answer that question I must go a little bit afield. In the first place, I understand that article to mean that no nation is at liberty to invade the territorial integrity of another. That does not mean to invade for purposes of warfare, but to impair the territorial integrity of another nation. Its territorial integrity is not destroyed by armed intervention; it is destroyed by the retention of territory, by taking territory away from it; that impairs its territorial integrity. I understand the covenant to mean that that is in no case permissible by the action of a single nation against another; that there is only one permissible method and that is, if territorial arrangements are unsatisfactory, that they should be brought to the attention of the world through the league and that then the league should exercise such rights as it may be able to exercise for a readjustment of boundaries.

I believe that territorial aggression, in the sense of territorial capture, is, by the wording of the act, made illegitimate.

Senator BRANDEGEE. The words are not "territorial aggression," but "external aggression."

The PRESIDENT. But it says the preservation of its territorial integrity against external aggression.

Senator BRANDEGEE. Suppose the external aggressor, having gotten within the territory of the aggressee, stays there?

The PRESIDENT. Then that impairs the territorial integrity.

Senator BRANDEGEE. Certainly; and then on a call by the council for us to perform our international contract under article 10, if Congress does not favor performing it, you think we would not be subject to criticism by the other members of the league?

The PRESIDENT. Oh, we might be subject to criticism; but I think Congress would be at liberty to form its own judgment as to the circumstances.

Senator BRANDEGEE. I agree with you entirely, and under our Constitution Congress would have to do so.

The PRESIDENT. Yes; that is understood by all.

Senator BRANDEGEE. Of course; but I am assuming if the council should advise us to do a certain thing, and Congress refused to do it—and if every nation's representative assembly can do the same thing, it seems to me like a rope of sand and not an effective tribunal which would result in promoting peace.

The PRESIDENT. The reason I do not agree with you, Senator, is that I do not think such a refusal would likely often occur. I believe it would be only upon the gravest grounds—and in case Congress is right, I am indifferent to foreign criticism.

Senator BRANDEGEE. Of course, we would always think we were right, I assume. Now, I wish to call your attention to article 15. I do this simply because you think all these provisions are clear, and I want to say in that connection that we had Mr. Miller, who described himself as the technical expert or adviser to the American Peace Commission, especially, I think, on questions of international law.

The PRESIDENT. The league of nations.

Senator BRANDEGEE. We had him before our committee, and he answered this question, that I am about to ask, in three different ways, and we could not, of course, get much information from him; and he promised to take it under advisement and to give us his considered opinion, but he has not done so. Now, article 15, in the last two paragraphs provides:

> The council may in any case under this article refer the dispute to the assembly. The dispute shall be so referred at the request of either party to the dispute, provided that such request be made within 14 days after the submission of the dispute to the council.
>
> In any case referred to the assembly, all the provisions of this article and of article 12 relating to the action and powers of the council shall apply to the action and powers of the assembly, provided that a report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league, exclusive in each case of the representatives of the parties to the dispute, shall have the same force as a report by the council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

Now, in the first place, it says "represented on the council and of a majority of the other members of the league." Does that mean that the various members of the league have got to act upon that as separate Governments, or does it mean the representatives of the other members of the league?

The PRESIDENT. I do not quite understand that question.

Senator BRANDEGEE. It says:

> A report made by the assembly, if concurred in by the representatives of those members of the league represented on the council and of a majority of the other members of the league.

Does that mean there "and a majority of the other representatives of members of the league in the assembly"?

The PRESIDENT. Yes; I assume so.

Senator BRANDEGEE. But it does not say so. It leaves it as though the members of the league could act independently of their representatives and the assembly.

The PRESIDENT. Oh, no.

Senator BRANDEGEE. I assume it means what you say.

The PRESIDENT. Yes; I assume that.

Senator BRANDEGEE. Very well. Now, the question: Supposing there were a dispute between the United States and that portion of the British Empire known as the United Kingdom—England, Ireland,

Scotland, and Wales—as to some right of one of our ships to enter an English port, for instance, and that dispute should come before the council, and, upon the request of Great Britain, it should be removed to the assembly. The article I have just read provides for a report concurred in "exclusive in each case of the representatives of the parties to the dispute."

The PRESIDENT. Yes.

Senator BRANDEGEE. Now, all the self-governing colonies of England, or at least five of them, have a vote in the assembly, and the British Empire also has a vote. I assume in the case of the dispute which I have supposed, of course, the United States would be excluded from voting, as being a party to the dispute; and I assume the British Empire would be excluded, but I am not sure.

The PRESIDENT. Yes, sir; that is what I assume.

Senator BRANDEGEE. Do you assume also that Australia, New Zealand, Canada, and India would be excluded?

The PRESIDENT. They are parts of the British Empire.

Senator BRANDEGEE. They are parts of the British Empire, but are they parties to the dispute which I have supposed to have arisen between us and England?

The PRESIDENT. I admit, Senator, that that is a complicated question; but my judgment about it is quite clear. I think I can give one instead of three answers.

Senator BRANDEGEE. Yes.

The PRESIDENT. Disputes can arise only through the Governments which have international representation. In other words, diplomatically speaking, there is only one "British Empire." The parts of it are but pieces of the whole. The dispute, therefore, in the case you have supposed, would be between the United States as a diplomatic unit and the British Empire as a diplomatic unit. That is the only ground upon which the two nations could deal with one another, whether by way of dispute or agreement. Therefore, I have assumed, and confidently assumed, that the representatives of all parts of the British Empire would be excluded.

Senator BRANDEGEE. I should think that would be only fair, and I would assume that; but Mr. Miller answered that question by saying, first, that he was in doubt; secondly, that the self-governing colonies of Great Britain or of the British Empire would not be excluded, because they were not parties to the dispute; and then, third, that they would be excluded because they were parts of the British Empire; and if the legal adviser of the commission was that much confused, I feel that I need not apologize for being confused myself.

The PRESIDENT. No; but the commission was not confused.

Senator KNOX. May I say this: I was not present at the meeting when Mr. Miller testified. The fact is that while it is technically true, as the President says, that the British self-governing colonies deal diplomatically through the British foreign office, it is only true in a most technical sense. They are absolutely autonomous, even in their diplomatic dealings, as to matters that affect them. For instance, I remember when the Canadian reciprocity agreement was negotiated in 1911 the delegates sent to negotiate the agreement were from Canada. Great Britain did not appear at the hearings or conferences at all, and in every sense Canada was just as autonomous in conducting her international negotiations as she would have been if she had been an absolutely independent Government.

The PRESIDENT. Yes; but this, you see, Senator, is a combination of definite Governments that have definite international relations with each other.

Senator KNOX. But the fact that you give representation to Canada and Australia and New Zealand and other autonomous self-governing British colonies rather contradicts the idea, does it not, that they are one Government?

The PRESIDENT. I think not, sir; because in making up the constitution of the council it was provided, to speak with technical accuracy, that the five principal allied or associated Governments should each have one representative in the league; and in the opening paragraph of the treaty itself those powers are enumerated, and among others is the British Empire. "The Empire of Great Britain," I think, is the technical term. Therefore their unity is established by their representation in the council.

Senator BRANDEGEE. Mr. President, I read from the treaty——

The CHAIRMAN. I was going to ask, if I may, what function do these five Dominions of the British Empire have in the assembly?

The PRESIDENT. None, except the general powers of the assembly itself.

The CHAIRMAN. They have votes in the assembly?

The PRESIDENT. They have votes, but in a matter involving the British Empire, they would have but one vote among them.

The CHAIRMAN. But on all other matters, they would each have one vote?

The PRESIDENT. Yes.

Senator BRANDEGEE. I want to call the President's attention to the first page of the treaty with Germany, which says, after the preamble setting forth the desirability of the condition existing being replaced by a just and durable peace, "For this purpose, the high contracting parties represented as follows," and then it names them, and in the list is "His Majesty, the King of the United Kingdom of Great Britain and Ireland, and of the British Dominions beyond the seas, Emperor of India, by his duly accredited officials, and the Dominion of Canada, the Commonwealth of Australia, the Dominion of South Africa, the Dominion of New Zealand," etc. Now, they are "high contracting parties"?

The PRESIDENT. Yes.

Senator BRANDEGEE. And if one of those high contracting parties has a dispute with another of the high contracting parties, by what inference are other high contracting parties made parties to the dispute?

The PRESIDENT. I think by the inference that I thought I established, sir——

Senator BRANDEGEE. But, if you will allow me to say so, it does not say that these parties, the self-governing British colonies, shall be excluded from participating in the deliberations because they may have some interest in the controversy.

The PRESIDENT. No.

Senator BRANDEGEE. They must be parties to the dispute. Now, if we have a dispute with England about the right of an American ship to enter an English port, how can it be said that New Zealand or Australia is a party to that dispute?

The PRESIDENT. Because, Senator, in case of the worst coming to the worst, and war ensuing, we would be at war with all of them.

Senator BRANDEGEE. It may be that a blunder has been made in creating such a situation. It would not be determinative, in my opinion.

Now, on page 7 of the print that I have, which is Senate Document No. 49, Sixty-sixth Congress, first session, the last thing in the treaty is this statement:

> From the coming into force of the present treaty the state of war will terminate. From that moment and subject to the provisions of this treaty, official relations with Germany, and with any of the German States, will be resumed by the allied and associated powers.

The treaty itself provides that when Germany and three of the allied and associated powers have ratified the treaty it has come into force.

The PRESIDENT. As between those parties.

Senator BRANDEGEE. It does not say so.

The PRESIDENT. I beg your pardon, I think it does.

Senator BRANDEGEE. Here it is, Mr. President. [Handing pamphlet to the President.] I have read it, and there is no such language in it that I can discover.

The PRESIDENT. No; not the part that you read; I did not mean that; but in the part where the provision is referred to about ratification by Germany and three of the principal allied and associated powers.

Senator BRANDEGEE. I have read that with some care, and I have not seen it.

Senator KNOX. The language to which the President refers is the concluding paragraph of the treaty, and it provides that when the process of ratification shall have been completed by Germany and any three powers, the treaty shall come into force.

The PRESIDENT. As between them.

Senator KNOX. No; I beg your pardon, Mr. President. In a subsequent clause dealing with what I think is an entirely different matter—that is, the adjustments as between the nations, not adjustments as between the allied and associated powers and Germany—it comes into force whenever the ratifications are made; but if you will take the body of the treaty you will find that everything that Germany is to do is to be done within a certain number of days after the ratification has been made; and a certain number of months afterwards she is to demobilize, give up her ships, and do all things that will make her practically a noncombatant, within a number of days after ratification by three of the powers; so she is either at peace with the world, or she is only partially at peace with the world; and as the requirements of the treaty are specific that she is to go out of the war business altogether, there is a conclusive inference in my mind that she is at peace with the world when those three ratifications have been made.

The PRESIDENT. I can not agree with you there. You see, the theory is this: That when three of the principal allied and associated powers ratify this treaty, Germany having ratified it, then the treaty is in force; that is to say, she has then engaged to do the things provided in the treaty, and her engagement is with those three

powers, among the rest, and she must then proceed to do what she has promised; but it does not establish peace between her and other countries.

Senator KNOX. I think that language shows that it establishes peace and provides for a resumption of diplomatic and all other relations with Germany. I intend, within a short time, to try to make my views upon that clear.

The PRESIDENT. Yes.

Senator BRANDEGEE. I went into that question rather thoroughly—"from the coming into force of the present treaty the state of war will terminate." Then it says, "From that moment, and subject to the provisions of this treaty, official relations with Germany and with any of the German States will be resumed by the allied and associated powers," which I assume means all of them.

Now, to revert to another point, Mr. President, have you any knowledge—and I ask all these questions, of course, subject to your determination as to whether it is proper for you to answer them, or to make any statement about them——

The PRESIDENT. Yes.

Senator BRANDEGEE. Are the Austrian, Bulgarian, and Turkish treaties, which I assume are in process of being made——

The PRESIDENT. Yes.

Senator BRANDEGEE (continuing). Intertwined with the covenant of the league of nations as is the treaty with Germany?

The PRESIDENT. The covenant of the league constitutes a part of each of those treaties.

Senator BRANDEGEE. Would you feel at liberty to state what percentage of progress they have made up to the present time, or how nearly completed they are?

The PRESIDENT. I think they are all practically completed, Senator, with the exception of some debatable questions of territorial boundaries.

Senator BRANDEGEE. Inasmuch as our Constitution provides that treaties shall be made by the President by and with the advice and consent of two-thirds of the Senators present, do you think that it is constitutional for us to approve the Franco-American treaty which provides that before it goes into operation—or substantially, I would say, before it goes into operation—it must secure the approval of the council of the league of nations?

The PRESIDENT. Why, yes; we can consent. We have the sovereign right to consent to any process that we choose, surely.

Senator BRANDEGEE. We have the right to consent, but of course the Senate has the constitutional right to ratify the treaty, negotiated and presented by the Executive; but my point is, have we a right to provide that in addition to the constitutional requirements for the making of a valid treaty there shall also be required the consent of the council of the league of nations, which the Constitution was not aware of?

The PRESIDENT. If that is a part of the treaty; yes, I think we have.

Senator BRANDEGEE. But you do not think that the treaty can in any way amend the Constitution or the constitutional requirements for executing a treaty.

The PRESIDENT. No.

Senator BRANDEGEE. Then by what process of ratiocination do you assume that the treaty can compel the consent of the council before this covenant is approved?

The PRESIDENT. Suppose you would determine that when any group of nations adopted a treaty then we could adopt the treaty that contained certain provisions that we wished to put in, and to make the operation of the treaty contingent upon its acceptance by the other nations in the group. It seems to me that that is an entirely analogous case. In other words I am assuming that we adopt the treaty with Germany. In that case we will be members of the league. We are in effect saying that we have become members of the league. If the council of the league accepts this we agree to put it in force. It is a means of being consistent with the thing that we have already done in becoming a member of the league.

Senator BRANDEGEE. I get your viewpoint about that. Now, do you think it is wise for us to adopt the Franco-American treaty which in substance provides that we can not denounce it until the council of the league of nations gives us permission to do so or agrees to denounce it.

The PRESIDENT. I do, Senator. I have a very strong feeling with regard to our historical relations with France, and also a very keen appreciation of her own sense of danger, and I think it would be one of the handsomest acts of history to enter into that.

Senator BRANDEGEE. I feel just as cordially toward her heroic conduct as anybody can. But that was not the question. The question was whether it was wise to so tie ourselves to any foreign nation as that we never could repudiate—I will not use the word "repudiate"—can never cancel our treaties without due notice, without the consent of a body not yet created.

The PRESIDENT. Of course I am assuming that body will be created before we adopt the Franco-American treaty, and in that case that provision that you are alluding to is only a completion of the idea of the treaty, namely, as I have been quoted as saying, this is an agreement on our part to anticipate the advice of the council of the league, as we shall take such and such measures to defend France. Inasmuch as we are anticipating that, we are assuming the action of the league, and therefore it is with the league and its action that the whole matter is bound up, and I think that the provision you allude to, therefore, is consistent and almost logically necessary.

Senator BRANDEGEE. Well, now, inasmuch as you have stated in your message—and I have of course agreed to it and have no doubt that it is true—that the Franco-American treaty is only designed for temporary purposes, the defense of France until the league says that it is competent to do it, or words to that effect——

The PRESIDENT. Yes.

Senator BRANDEGEE. Would it not be the part of prudence for us to include in the Franco-American treaty, if it should be ratified, a provision that it shall have some time limit put upon it, that it shall exist for not more than 10 years, say. I assume if the league is ever going to be effective to preserve the territorial integrity and political independence of its various members, it will be in the course of 10 years, and there is no objection to having some time limit on the treaty.

The PRESIDENT. Only a psychological objection, the sentiment between the two countries.

Senator BRANDEGEE. The other alternative is to guarantee it forever or until the council of the league loosens us from it, is it not?

The PRESIDENT. Yes; when the council of the league will exist, among other uses should be that the whole international influence that could be brought to bear for the management of all these things will be present there to bring about this rearrangement.

Senator BRANDEGEE. Yes; I understand that. But the fact that we have a vote to loose ourselves does not help us, as unanimous action is required by nine gentlemen, any one of whom can prevent us.

The PRESIDENT. No, Senator; but the diplomatic relations of the different countries in that council will be such, if I may judge, that those things may be accomplished.

Senator BRANDEGEE. That is an optimistic view to take, if you will pardon my opinion about it.

The PRESIDENT. Perhaps it is.

Senator BRANDEGEE. I want to call your attention to the fact that this era of good feeling which exists between the allied and associated powers after their common experience and suffering in this great war may not always exist, in view of future commercial contests and separate interests of different nationalities which may occur in the future, and what some of us feel is that we ought to be careful in making these definite international engagements, which we are wisely determined to carry out in good faith if we should make them, and we feel that now is the time to understand exactly the obligations we are to be held to before we affix our signature, and I have no doubt that you agree to that.

The PRESIDENT. Yes.

Senator BRANDEGEE. I want to ask you a word or two about this so-called American draft. The American draft of the league which was sent to us in response to Senate resolution was the draft which was submitted by the American commission to the conference abroad?

The PRESIDENT. No.

Senator BRANDEGEE. It was the draft which was submitted by you as the head of the American commission to the American commission. Is that correct?

The PRESIDENT. Why, Senator, it was done as all other things of this sort were done over there. We circulated the draft among the representatives of the 14 States who were represented in the general league of nations, and they had 10 days or more to examine it. I also submitted it to my colleagues, not for any formal discussion but in order to have their opinion if they chose to express it. Then when the commission got down to its real work they appointed a committee.

Senator BRANDEGEE. Of the commission?

The PRESIDENT. No; of two officers of the commission. Well, they did form a committee, but that committee employed the services of two technical advisers. Mr. Miller was one of them and Mr. Hurst—not the Mr. Hurst that Mr. Miller mentioned.

Senator BRANDEGEE. He gave his initials as C. J. B.

The PRESIDENT. I have forgotten the initials.

Senator BRANDEGEE. He said he was an employee of the British State Department.

The PRESIDENT. Yes; he is a very able man. He was on the general drafting committee of the treaty, and Mr. Miller took the various documents that we have been reading and discussing and made a combined draft and it was that combined draft which was the subject of formal discussion and amendment and addition by the committee.

Senator BRANDEGEE. And that was the combined draft, the one that you sent to us the other day?

The PRESIDENT. No; Secretary Lansing was asked for it.

The CHAIRMAN. It was a composite draft. It came in yesterday.

Senator BRANDEGEE. I beg your pardon, I did not know about it. Was there any draft, no matter how incomplete, any skeleton draft or enumeration or substance for a draft for the so-called American plan for the covenant of the league of nations which you took with you from this country or was prepared over there by you?

The PRESIDENT. Only the one that I referred to earlier in this conference, Senator, when I had taken the Phillimore report as more or less of a basis of my work.

Senator BRANDEGEE. That was the only thing that you had in the nature of a skeleton draft when you left the country?

The PRESIDENT. Yes.

Senator BRANDEGEE. Did the Phillimore draft or report, whatever the proper term may be, contain anything like what is now article 10 of the covenant of the league?

The PRESIDENT. I do not remember.

Senator BRANDEGEE. You do not remember whether there was anything like that in that?

The PRESIDENT. Let me say this in regard to article 10. I believe this to be a part of the history of it. It is so far as I am concerned. Early in my administration, as I think many of the members know, I tried to get the American States, the States of Central and South America, to join with us in an arrangement in which a phrase like this constituted the kernel, that we guaranteed to each other territorial integrity and political independence. "Under a republican form of government" was added in that case. But that is another matter. As I represented to them at that time, it was a desire on my part at any rate to show the way to them of keeping things steady and preventing the kind of aggression they have had.

The CHAIRMAN. That was the subject of the Niagara conference?

Senator BRANDEGEE. The A. B. C. powers.

The PRESIDENT. I do not think it was discussed there, Senator. We discussed it diplomatically.

The CHAIRMAN. It was taken up at that time?

The PRESIDENT. It was taken up at that time.

Senator BRANDEGEE. Who was the author of article 10?

The PRESIDENT. I suppose I was as much as anybody.

Senator BRANDEGEE. And you recommended it to your fellow American commissioners?

The PRESIDENT. Yes.

Senator BRANDEGEE. How many Americans were on the commission which framed the covenant for the league of nations?

The PRESIDENT. Two—Col. House and myself.

Senator BRANDEGEE. The total membership was what? Fifteen, was it not?

The PRESIDENT. Fourteen nations, and five principal nations had two members, which would make 19, would it not? Yes, 19 members.

Senator BRANDEGEE. Did they have the unit rule, so to speak, casting one vote for each member?

The PRESIDENT. In only one or two instances did we vote at all. I presided and the final form was this, "If there are no objections we will regard that as accepted."

Senator BRANDEGEE. As we say in the Senate, "without objection it is agreed to."

The PRESIDENT. Yes; and that is the way the whole thing was agreed to.

Senator BRANDEGEE. Did these commissions to which the plenary conference delegated certain subjects to prepare reports upon have any coordination with each other? Did each commission know what the other commissions were doing?

The PRESIDENT. No; the subjects were too unlike.

Senator BRANDEGEE. Was there any debate on the completed draft of the covenant of the league of nations when it was submitted to the plenary council just before you came over in March?

The PRESIDENT. Yes; there were speeches.

Senator BRANDEGEE. I do not call those debates. I read that there were no debates as to what each particular government demanded.

The PRESIDENT. No; because there were so many of those represented, and they had all been canvassed in the process of formulation.

Senator BRANDEGEE. You replied to a resolution of the Senate requesting a copy of a letter of Gen. Tasker H. Bliss, which was also signed by Secretary Lansing——

The PRESIDENT. And Mr. White.

Senator BRANDEGEE. And Mr. White—you stated, if I recollect, in substance, that you would be glad to furnish us with a copy of it but for the fact that Gen. Bliss had mentioned the names of certain Governments and you thought it was a matter of delicacy not to make it public. Would it not be possible to furnish us with the general drift of the arguments, leaving out the names of the Governments, etc.?

The PRESIDENT. There was not any argument. He said flatly that it was unjust. It was not a reason.

Senator BRANDEGEE. It was an opinion.

The PRESIDENT. An opinion.

Senator BRANDEGEE. A conclusion.

Senator JOHNSON of California. With that, you agreed, Mr. President, did you not?

The PRESIDENT. Senator, I do not think I ought to say any more than I have said.

Senator BRANDEGEE. I do not think I care to ask anything more.

Senator HITCHCOCK. Will you permit me to read into the record these two paragraphs from the conclusion of the treaty and ask whether they are what you refer to when you express the opinion that the treaty would go into effect when Germany and three of the contracting parties had signed it, and only as to them?

The CHAIRMAN. That is explicitly stated.

Senator HITCHCOCK. I thought it was left in some doubt. I would like to read them into the record [reading]:

A first procès-verbal of the deposit of ratifications will be drawn up as soon as the treaty has been ratified by Germany on the one hand, and by three of the principal allied and associated powers on the other hand.

From the date of this first procès-verbal the treaty will come into force between the high contracting parties who have ratified it. For the determination of all periods of time provided for in the present treaty this date will be the date of the coming into force of the treaty.

I just wanted to make it clear that the treaty is not in effect except as to those that have ratified it.

The PRESIDENT. I could not put my hand on it, but I was sure.

Senator MCCUMBER. Mr. President, just one question on this French treaty. If we should adopt this present treaty with the league of nations and with section 10 in it, which brings all of the great nations of the league to the protection of France, if war should be made against her by Germany, what necessity is there for any other special treaty with France?

The PRESIDENT. To meet the possibility of delay in action on the part of the council of the league.

Senator MCCUMBER. But the agreement of section 10 comes into effect, does it not, the moment we adopt the treaty?

The PRESIDENT. Yes; but the council has to act and formulate its advice, and then the several Governments have to act and form their judgment upon that advice.

Senator MCCUMBER. Do you not think under the present situation that that could be done as quickly as Germany could get ready for a second war on France?

The PRESIDENT. Oh, as quickly as she could get ready, yes; but not as quickly as she could act after she got ready.

Senator BRANDEGEE. Mr. President, the situation is this: If Germany has surrendered her navy, demobilized her army, and been shorn of large portions of her territory; if we have no demand for reparation or indemnity against her; if, as you stated in your addresses to the Congress, the war is over; if there is no fighting going on; if Germany has signed the peace treaty, and you have signed the peace treaty; if, in fact, there is a condition of peace, and only the joint resolution of Congress that a state of war existed a year ago—if that is all so, is there no way by which the condition of peace which actually exists can be made legally effective except by the adoption of the proposed treaty?

The PRESIDENT. Senator, I would say that there is no way which we ought to be willing to adopt which separates us, in dealing with Germany, from those with whom we were associated during the war.

Senator BRANDEGEE. Why?

The PRESIDENT. Because I think that is a moral union which we are not at liberty to break.

Senator BRANDEGEE. If we have rescued our fellow belligerents from the German peril voluntarily and without any charge, and if we prefer not to have any entanglements or connections with European powers, but to pursue our course as we did before the war, where is the moral obligation to merge ourselves with Europe forever?

The PRESIDENT. I do not construe it as merging ourselves, but I do think we are under the plainest moral obligation to join with our associates in imposing certain conditions of peace on Germany.

Senator BRANDEGEE. Even if we ratify the German so-called peace treaty, with or without the Shantung provision in it, and strike out article 1 of the peace treaty, the covenant of the league of nations, we still join with those with whom we have cooperated in establishing peace with Germany, do we not, and are at liberty to trade with her?

The PRESIDENT. An unworkable peace, because the league is necessary to the working of it.

Senator BRANDEGEE. Well, suppose they have a league, and we ratify the treaty with the reservation that we are not bound by article 1, which is the covenant of the league—then they have a league of nations covenant.

The PRESIDENT. Yes, and we are tied into every other part of the treaty by reason of the fact that we are supposed to be members of the league of nations.

Senator BRANDEGEE. Suppose we also adopt the 21 amendments that Senator Fall has pending before the Committee on Foreign Relations, striking us out of these commissions to which we are tied, and just cutting the Gordian knot which ties us to the covenant: We establish peace with Germany just the same, I fancy. The other powers could accept our amendments to the treaty or not, as they chose. In either case Germany would be at peace, and they would be in the league, and we would be out of it. We could have peace, and resume all our business in relation to copper mines and zinc mines, etc., and we could export to Germany, and reestablish the consular service; could we not?

The PRESIDENT. We could, sir; but I hope the people of the United States will never consent to do it.

Senator BRANDEGEE. There is no way by which the people can vote on it.

The CHAIRMAN. Are we not trading with Germany now, as a matter of fact?

The PRESIDENT. Not so far as I know, sir.

The CHAIRMAN. Licenses certainly have been issued. It is advertised in all the New York papers.

The PRESIDENT. We removed the restrictions that were formerly placed upon shipments to neutral countries which we thought were going through to Germany.

The CHAIRMAN. Yes; I see them advertised broadly in the New York papers.

Senator JOHNSON of California. Mr. President, does the moral obligation to which you have alluded compel us to maintain American troops in Europe?

The PRESIDENT. Which moral obligation, Senator?

Senator JOHNSON of California. You referred to the moral obligation resting upon us to carry out the peace terms and the like in conjunction with our associates, and felt that it would be, as I understood you, a breaking, a denial of that moral obligation to make a separate peace or to act by ourselves.

The PRESIDENT. Yes.

Senator JOHNSON of California. Does that obligation go to the extent of compelling us to maintain American troops in Europe?

The PRESIDENT. Such small bodies as are necessary to the carrying out of the treaty, I think; yes.

Senator JOHNSON of California. And will those troops have to be maintained under the various treaties of peace until the ultimate consummation of the terms of those treaties?

The PRESIDENT. Yes, Senator; but that is not long. In no case, as I remember, does that exceed 18 months.

Senator JOHNSON of California. I was rather under the impression that the occupation of Germany was to be for 15 years.

The PRESIDENT. Oh, I beg your pardon.

The CHAIRMAN. Along the Rhine.

The PRESIDENT. Along the Rhine; yes. I was thinking of Upper Silesia, and the other places where plebiscites are created, or to be carried out. It is the understanding with the other Governments that we are to retain only enough troops there to keep our flag there.

Senator JOHNSON of California. The idea in my mind was this: Will we be maintaining American troops upon the Rhine for the next 15 years?

The PRESIDENT. That is entirely within our choice, Senator; but I suppose we will.

Senator JOHNSON of California. Do you know, Mr. President, whether or not we have American troops in Budapest at present?

The PRESIDENT. We have not. There are some American officers there, Senator, sent with a military commission, but no American troops.

Senator JOHNSON of California. Returning, if you do not mind, Mr. President, to one last question about Shantung, do you recall the American experts reporting that the Japanese promise, the verbal promise, which has been referred to, to return Shantung, meant in reality the returning of the shell but retaining the kernel of the nut?

The PRESIDENT. I remember their saying that; yes, sir.

Senator JOHNSON of California. That is all.

The PRESIDENT. But I do not agree with them.

Senator NEW. Mr. President, if no one else has any questions to ask, I have a few.

The PRESIDENT. Proceed, Senator, if you will.

Senator NEW. These questions, Mr. President, are more or less general and haphazard, referring to no particular feature of the treaty, but to all of them.

First, was it the policy of the American delegates to avoid participation by the United States in strictly European questions and their settlement; and, if so, what were the matters in which America refused to participate, or endeavored to avoid participation?

The PRESIDENT. I could not give you a list in answer to the last part of your question, sir; but it certainly was our endeavor to keep free from European affairs.

Senator NEW. What did the American delegates say or do to secure nonparticipation by the United States in the cessions of Danzig, Memel, and in the various boundary commissions, reparations commissions, and other agencies set up in the treaty for the disposition of questions in which America has no national interest?

The PRESIDENT. I did not get that, Senator, it is so long.

Senator NEW. I will divide it. What did the American delegates say or do to secure nonparticipation by the United States in the cessions of Danzig and Memel?

The PRESIDENT. Why, Senator, the process of the whole peace was this: Each nation had associated with it certain expert advisers,

college professors and bankers and men who were familiar with ethnical and geographical and financial and business questions. Each question was referred to a joint commission consisting of the specialists in that field representing the principal allied and associated powers. They made a report to this smaller council, and in every instance the American representatives were under instructions to keep out of actual participation in these processes so far as it was honorably possible to do so.

Senator NEW. The second half of the question is this: What did the American delegates do to secure nonparticipation by the United States in the reparations commission?

The PRESIDENT. Why, we were disinclined to join in that, but yielded to the urgent request of the other nations that we should, because they wanted our advice and counsel.

Senator NEW. What agreement, written or verbal, has been entered into by the American delegates touching the assignment to various States of mandatories under the provisions of article 22?

The PRESIDENT. None whatever.

Senator NEW. If it be understood that Great Britain or her dominions will act as mandatories of the territory in Africa lately held by Germany, what advantage of a practical nature is expected to accrue, and whom will it benefit, from subjecting the British or dominion administration to the mandatories of such nations as Liberia, Italy, or any others?

The PRESIDENT. Mandatories of Liberia?

Senator NEW. Yes.

The PRESIDENT. I do not understand, Senator. The whole system of mandates is intended for the development and protection of the territories to which they apply—that is to say, to protect their inhabitants, to assist their development under the operation of the opinion of the world, and to lead to their ultimate independent existence.

Senator NEW. Mr. President, it seems that there is more than a suspicion; there is a general conviction in the world, I think, that Germany is promoting the dissemination of Bolshevist propaganda in the countries of the Allies, including the United States. That being the case, I am prompted to ask what provision in the treaty obligates Germany to prohibit Bolshevik propaganda from German sources in the United States and allied countries?

The PRESIDENT. None.

Senator NEW. No provision? Was any proposal considered by the peace conference directed toward securing the names of German propaganda agents in the United States and the allied countries, or to obtain the records of the disbursements made in support of Bolshevik or other propaganda intended to weaken or disrupt the United States?

The PRESIDENT. We made every effort to trace everything that we got rumor of, Senator; and traced everything that we could; but no provisions were feasible in the treaty itself touching that.

Senator NEW. Did not France yield under pressure at least partly exerted by the American delegates to abandon certain guaranties of the security of her German frontiers which she had been advised by Marshal Foch were indispensable; and is not the present frontier, in French military opinion, less secure than the one which France was induced to abandon?

The PRESIDENT. Senator, do you think I ought to redebate here the fundamental questions that we debated at Paris? I think that would be a mistake, sir.

Senator JOHNSON of California. Mr. President, it is on that very theory that I refrained from asking many of those things, the thoughts of which crowd one's mind, and which one would like to ask.

The PRESIDENT. Of course. You see, you are going into the method by which the treaty was negotiated. Now, with all respect, sir, I think that is a territory that we ought not to enter.

Senator NEW. Of course, if there is any reason why it should not be answered, I will withdraw it. Is there objection to answering this, Mr. President: What was France's solution proposed for administration of the Saar Basin?

The PRESIDENT. I do not think I ought to answer those questions, Senator, because of course they affect the policy and urgency of other Governments. I am not at liberty to go into that.

Senator NEW. Mr. President, would our position in the War of 1812 and the Spanish-American War have been secure under the league covenant?

The PRESIDENT. Oh, Senator, you can judge of that as well as I could. I have tried to be a historical student, but I could not quite get the league back into those days clearly enough in my mind to form a judgment.

Senator NEW. What would have been the procedure under the covenant in those two cases, in your opinion?

The PRESIDENT. Why, Senator, I could figure that out if you gave me half a day, because I would have to refresh my mind as to the circumstances that brought on the wars; but that has not been regarded as a profitable historical exercise—hypothetically to reconstruct history.

Senator NEW. Well, I do not want to press for answers, then.

Senator MOSES. Mr. President, under the terms of the treaty, Germany cedes to the principal allied and associated powers all of her overseas possessions?

The PRESIDENT. Yes.

Senator MOSES. We thereby, as I view it, become possessed in fee of an undivided fifth part of those possessions.

The PRESIDENT. Only as one of five trustees, Senator. There is no thought in any mind of sovereignty.

Senator MOSES. Such possession as we acquire by means of that cession would have to be disposed of by congressional action.

The PRESIDENT. I have not thought about that at all.

Senator MOSES. You have no plan to suggest or recommendation to make to Congress?

The PRESIDENT. Not yet, sir; I am waiting until the treaty is disposed of.

The CHAIRMAN. Mr. President, I do not wish to interfere in any way, but the conference has now lasted about three hours and a half, and it is half an hour after the lunch hour.

The PRESIDENT. Will not you gentlemen take luncheon with me? It will be very delightful.

(Thereupon, at 1 o'clock and 35 minutes p. m., the conference adjourned.)

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